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TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/727,306-Conf. #5202
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	First Named Inventor	Douglas B. WILSON
	Art Unit	3682
	Examiner Name	V. Luong
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ENCLOSURES (Check all that apply)		
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Signature			
Printed name	Wayne M. Kennard		
Date	October 31, 2006	Reg. No.	30,271

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Docket No.: 114089.121 US2
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Douglas B. WILSON
Application No.: 10/727,306 Art Unit: 3682
Filed: December 3, 2003 Examiner: V. Luong
Title: FATIGUE RELIEVING SUPPORT FOR STEERING WHEELS AND THE
LIKE

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

SUBMISSION OF CORRECTED APPEAL BRIEF UNDER 37 CFR 41.37

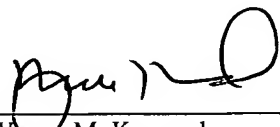
Dear Sir:

Appellant received a Notice of Non-Compliant Appeal Brief under 37 CFR 41.37 in the related application on appeal, U.S. Patent Appl. Ser. No. 10/720,821. The Notice was for Appellant to include in the Appeal Brief sections titled Claims Appendix, Evidence Appendix, and Related Proceeding Appendix. Appellant did not receive a Notice of Non-Compliance of Appeal Brief with respect to the above-captioned application; however, in order to ensure that the Appeal Brief in the present application will comply with the change in the Rules from 37 CFR 1.192 to 37 CFR 41.37, Appellant hereby submits the attached Corrected Appeal Brief that contains sections titled Claims Appendix, Evidence Appendix, and Related Proceedings Appendix. Please accept this Corrected Appeal Brief in place of the Appeal Brief filed August 25, 2006.

Please charge any fees that might be due in connection with this matter to Deposit Account No. 08-0219. Please contact the undersigned should there be any questions.

Respectfully submitted,

Dated: October 31, 2006


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In the United States Patent and Trademark Office

Applicant(s) Douglas B. Wilson
Serial No. 10/727,306
Filed 12/03/2003
Title FATIGUE RELIEVING SUPPORT FOR STEERING
WHEELS AND THE LIKE
Examiner Vinh Luong
Unit 3682

CERTIFICATE UNDER 37 C.F.R. § 1.10

I hereby certify that the attached papers are being deposited with the United States Postal Service as "Express Mail Post Office to Addressee" Mailing Label No. US804260538US addressed to: Mail Stop Appeal Brief – Patents, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450 on the date shown below

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Susannah Fernandez

CORRECTED APPEAL BRIEF UNDER 37 C.F.R. §41.37

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SIR:

This is an Appeal Brief pursuant to the Notice of Appeal filed August 25, 2006 appealing the rejection of claims 14-19, 24/14, and 27 in the Office Action dated March 30, 2006.

I. REAL PARTY IN INTEREST

The real party in interest is Douglas B. Wilson, 20 Nichols Road, Cohasset, MA 02025, Applicant/Appellant.

II. RELATED APPEALS AND INTERFERENCES

Appellant has filed an Appeal with regard to U.S. Patent Application Ser. No. 10/720,821 filed November 24, 2003, on even date. U.S. Patent Application Ser. No. 10/720,821 is the parent of the present application. A number of issues to be decided in that the Appeal with regard to U.S. Patent Application Ser. No. 10/720,821 are the same or similar to the issues to be decided in the present Appeal. Therefore, the decisions in the Appeal related to U.S. Patent Application Ser. No. 10/720,821 would directly affect or have a bearing on the Board's decision in this Appeal.

III. STATUS OF THE CLAIMS

Claims 14-19, 24/14, and 27 are pending in the present application and presented here on appeal. Claims 1-13 were the original filed claims. In the Response dated October 27, 2005, Appellant cancelled claims 1-13 and added claims 14-28. In the Office Action dated December 30, 2005, the Examiner issued a restriction requirement. In the Amendment and Response to Restriction Requirement dated January 30, 2006, Appellant selected the species of Figures 1, 3, and 4 that were readable on claims 14-19, 24/14, and 27 to prosecute in the present application. Further, claims 20-23, 24/20, 25, 26, and 28 that were not selected were considered by the Examiner to be withdrawn from prosecution in the present application.

Claims 14-19, 24/14, and 27 have been twice rejected under 35 U.S.C. §112, second ¶, for indefiniteness and under 35 U.S.C. §102 for anticipation in light of U.S. Patent No. 1,575,848 to Laubach et al. ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically with regard to the latter rejection, the Examiner relied on Van Arsdel or Anson in rejecting claims 14-17, 19/17, 24/14, and 27 for anticipation; and Laubach in rejecting claims 14, 18, and 19/18 for anticipation. The indefiniteness and anticipation rejections to claims 14-19, 24/14, and 27 are appealed.

The Examiner also has provisionally rejected claims 14-19, 24/14, and 27 under the judicially created doctrine of obviousness-type double patenting over claims 20-28 of co-pending, parent application U.S. Patent Application Ser. No. 10/720,821, filed November 24, 2003. This provisional rejection is not being appealed at this time. However, if the Board reverses the Examiner in this Appeal and the Appeal with regard to U.S. Patent Application Ser.

No. 10/720,821, Appellant will file a terminal disclaimer to overcome any obviousness-type double patenting rejection.

IV. STATUS OF AMENDMENTS

Claims 1-13 were the original filed claims. Claims 1-13 were cancelled and claims 14-28 were added in the Response dated October 27, 2005. Claims 14-28 were to overcome the Examiner's basis for rejecting claims 1-13 for anticipation under 35 U.S.C. §102(b) based separately on U.S. Patent No. 4,708,676 to Lin "(Lin)", U.S. Patent No. 4,875,386 to Dickinson ("Dickinson"), and U.S. Patent No. 3,937,629 to Hamasaka ("Hamasaka"). The Examiner responded to the October 27th Response by issuing a restriction requirement in the Office Action dated December 30, 2005. In Applicant's Amendment and Response to Restriction Requirement dated January 30, 2006, Applicant selected the species of Figures 1, 3, and 4 that were readable on claims 14-19, 24/14, and 27 to prosecute in the present application. In this Amendment, Appellant also amended Claims 14, 17, 18, and 20 to more distinctly claim the invention. Further, claims 20-23, 24/20, 25, 26, and 28 that were not selected were considered by the Examiner to be withdrawn from prosecution in the present application as evidenced in the Office Action dated March 30, 2006.

In an Amendment dated June 12, 2006, Appellant amended claims 15 and 17 to overcome indefiniteness rejections under 35 U.S.C. §112, second ¶, that was raised in the prosecution of U.S. Patent Application Ser. No. 10/720,821, the parent application to the present application, to similar claim language. This was done before it was raised in the present application. This amendment to the claims 15 and 17 was repeated in the Response filed June 26, 2006, because the Examiner had not previously entered these amendments to the claims. The Examiner did enter these amendments to Claims 15 and 17 after the filing of the June 26th Response as evidenced in the Office Action dated July 14, 2006. There were no further amendments to the claims.

Claims 1-13 were rejected in the Office Action dated April 26, 2005. These claims, as stated, were cancelled in the Response dated October 27, 2005. Claims 14-19, 24/14, and 27 were finally rejected in the Office Action dated March 30, 2006. The rejection in the March 30, 2006, Office Action was made final because the Examiner contended that "Applicant's amendment necessitated the new ground(s) of rejection presented in the Office Action."

Applicant filed the Notice of Appeal on even date herewith. Appellant has not amended the claims after receipt of the Office Action dated March 30, 2006 in which the Examiner issued a final rejection of claims.

Claims 14-19, 24/14, and 27, as amended in the Response dated June 26, 2006, are hereby presented in the Appeal.

V. SUMMARY OF CLAIMED SUBJECT MATTER

The present invention is directed to a novel system and method that is associated with a steering wheel for relieving or preventing fatigue when driving a vehicle for extended periods of time. The system will at least provide support for a portion of the driver's body, such as wrists, to relieve or prevent fatigue. (Specification: Page 2, lines 5-10) The present invention also provides that the second section may be rigid, semi-rigid, non-deformable, or flexible. Of the pending claims, claim 14 is an independant claim and claims 15-19, 24/14, and 27 depend directly or indirectly from claim 14.

Claim 14 recites a fatigue relieving/preventing apparatus that has two sections.¹ According to claim 14, the first section connects to the periphery of the steering wheel. (Specification: Page 3, lines 19-26) The second section connects to, and extends outward from, the first section at an angle to a plane across the face of the steering wheel and the second section, as stated, may be rigid, semi-rigid, flexible, or non-deformable. The second section will support, for example, the driver's wrists, as long as the pressure on the second section is less than the pressure necessary to deform it. However, when greater than the deforming pressure is applied to the second section, such as in an emergency, this section will deform out of the interference with the driver's ability to grab the steering wheel. (Figures 1, 2, 3, 4; Specification: Page 3, lines 19-32; Page 4, lines 10-23; Page 5, line 15 to Page 6, line 3)

Claims 15-19, 24/14, and 27 add further limitations to claim 14. Claim 15 adds that the steering wheel may control nautical vessels, aircraft, or ground transportation vehicles. (Specification: Page 2, lines 18-21; Page 8, original claim 2) Claim 16 adds that the second section can support the forearm, wrist, or hand. (Specification: Page 5, lines 11-14; Page 8, original claim 3) Claim 17 adds that the first section extends a predetermined length of the periphery of the steering wheel. (Figures 1 and 2; Specification: Page 3, lines 18-31; Page 4, line

¹ The Claims Appendix contains a full version of amended claim 14.

29 to Page 5, line 7; Page 8, original claim 4) Claim 18 adds that the second section includes at least two sections that connect to the first section. (Figure 2; Specification: Page 4, lines 10-13) Claim 19 adds that the first section is deformable. (Specification: Page 3, lines 18-25) Claim 24/14 adds that the first section is formed integral with the steering wheel. (Figures 1 and 2; Specification: Page 5, lines 1-3) Claim 27 adds that the first section may be rigid, semi-rigid, or non-deformable. (Specification: Page 3, lines 18-25) Appellant notes for the purpose of this Appeal that Claim 27 recites that the first section may be flexible, rigid, semi-rigid, or non-deformable. However, the specification supports that the first section may be rigid, semi-rigid and non-deformable. (Specification: Page 2, lines 19-32) Therefore, Appellant will agree to amend claim 27/14 in accordance with the specification.

A significant aspect of the present invention is that the second section will deform out of interference with the operation of the steering wheel if it is grabbed in an emergency. This is shown graphically in Figure 4. The result is a novel apparatus that relieves or prevents fatigue when driving for extended periods of time but does not prevent the driver from grabbing the wheel in emergencies.

VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL

Claims 14-19, 24/14, and 27 were rejected in the Office Action dated March 30, 2006. In that Office Action, the Examiner rejected claims 14-19, 24/14, and 27 on the following bases:

- A. Claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness;
- B. Claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for allegedly being anticipated by Van Arsdell;
- C. Claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for allegedly being anticipated by Anson; and
- D. Claims 14, 18, and 19/18 under 35 U.S.C. §102(b) for allegedly being anticipated by Laubach.

Appellant requests that the Board review on Appeal and overturn the Examiner's bases for rejection set forth in the Office Action dated March 30, 2006.

A copy of amended claims 14-19, 24/14, and 27 is set forth in the Claims Appendix. Appellant also has attached an Evidence Appendix. The Evidence Appendix includes the following: Attachment A is a copy of the March 30, 2006, Office Action; Attachment B is a copy

of Appellant's June 12, 2006, Response, which includes Appellant's last claim amendments; Attachment C is a copy of Appellant's June 26, 2006, Response; Attachment D is a copy of the Office Action dated July 14, 2006; and Attachment E is a copy of Appellant's August 3, 2006, Amendment and Response to Notice of Non-Compliant Amendment.

VII. ARGUMENT

A. General

The Examiner has rejected claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness. The basis of the rejection is that the Examiner contends the terms "rigid," "semi-rigid," "flexible," and "non-deformable" in claims 14 and 17 are indefinite. Appellant submits that they are definite and the rejection should be reversed.

The Examiner also has rejected claims 14-17, 19/17, 24/14, and 27 under 35 U.S.C. §102(b) for anticipation based on Van Arsdel or Anson, and claims 14, 18, and 19/18 under 35 U.S.C. §102(b) for anticipation based on Laubach. The standard for sustaining a rejection for anticipation is that a single prior art reference must disclose each and every limitation of the claim. *See, e.g., Schering Corp. v. Geneva Pharma., Inc.*, 339 F.3d 1373, 1377 (Fed. Cir. 2003) ("[a] patent [claim] is invalid for anticipation if a single prior art reference discloses each and every limitation of the claimed invention"); *Trintec Industries, Inc. v. Top-USA Corp.*, 295 F.3d 1292, 1295 (Fed. Cir. 2002) ("[a] single prior art reference anticipates a patent claim if it expressly or inherently describes each and every limitation set forth in the patent claim.... Inherent anticipation requires that the missing descriptive material is 'necessarily present,' not merely probably or possibly present, in the prior art"); *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("[t]o anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in a claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 794 F.2d 1565, 1571 (Fed. Cir. 1986) ("absent from the reference of any claimed element negates anticipation"). Neither Van Arsdel, Anson, nor Laubach meet this standard and the rejections should be reversed.

In the Office Action dated July 14, 2006, the Examiner stated the following with regard to the support for the anticipation rejections based on Van Arsdel, Anson, and Laubach:²

² A copy of the Office Action dated July 14, 2006 is attached as Appendix D to the Evidence Appendix.

Moreover, Applicant's arguments are similar to the arguments presented in co-pending Application No. 10[/720821[.] [T]he Examiner's response to the final rejection on May 9, 2006 of Appl. '821 is incorporated herein by reference.

The final rejection in co-pending U.S. Patent Application Ser. No. 10/720,821, the parent of the present application, was directed to the anticipation rejections based on Van Arsdell, Anson, and Laubach. The Examiner advanced the same arguments as are advanced in the present application as grounds for rejecting claims 14-19, 24/14, and 27 for anticipation based on these three references. Therefore, Appellant is advancing the same or substantially similar positions in this Appeal with regard to overcoming the Examiner's anticipation rejections that have been raised against claims 14-19, 24/14, and 27. A copy of the Office Action dated May 9, 2006, from co-pending Application No. 10/720,821 is attached as Appendix F.

B. The Claims are Definite

The Examiner contends that claims 14 and 27 are indefinite under 35 U.S.C. §112, second ¶, because of the recitation of the terms "rigid," "semi-rigid," "flexible," and "non-deformable."³ Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

In particular, the Examiner asserts that these terms are indefinite because these terms "[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention." Further, the Examiner contends "it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms "rigid, semi-rigid, or flexible, or non-deformable." Appellant submits that the claims are definite as will be shown.

Claims 14 and 27 include the terms "rigid," "semi-rigid," "flexible," and "non-deformable." Appellant attached as Attachment A to the Response dated June 26, 2006, excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use in the present invention. Moreover, Appellant has not given any special meaning to these terms other than their ordinary meaning.

³ See Section V above with respect to the indefiniteness rejection directed to claim 27.

The attached excerpts make plain that a person of ordinary skill in the art would clearly understand the scope of the claims when either “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 27 would be definite in the hands of a person of ordinary skill in the art. Noting this, Appellant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. §112, second ¶, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that the Board reverse this rejection.

C. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27

The Examiner rejected claims 14-17, 19/17, 24/14, and 27 as being anticipated by Van Arsdel. In order to demonstrate that Van Arsdel includes each of the elements of claim 20, the Examiner principally relies on the Van Arsdel’s Figures and Examiner-annotated versions of Figures 3 and 5 of Van Arsdel.⁴ In his rejection, the Examiner states that reference no. 4 (in the Van Arsdel Figures) equates to the first section and reference no. 2 (in the Van Arsdel Figures) equates to the second section of claim 14. Appellant submits that the Examiner fails to consider and appreciate all of the elements of the second section because if he does, two things are clear: (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element. Therefore, Van Arsdel does not establish a prima facie basis of anticipation, even considering the “broadest reasonable interpretation” standard recited by the Examiner in the Office Action.

At least one missing element from the Van Arsdel teachings is underlined in the following quotation:

The second section extends from the first section outward at an angle to a plane across the face of the steering wheel, the second section for supporting at least a portion of a vehicular operator’s body when pressure from the portion of the vehicular operator’s body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator’s ability to operate the steering wheel, and deforming out of interference with the vehicular operator’s ability to operate the steering wheel when pressure from the portion of the vehicular operator’s body on the second section is equal to or greater than the pressure for performing the second section out of interference with the vehicular operator’s ability to operate the steering wheel. [Emphasis added]

Claim 14.

⁴ The annotated versions of Figures 3 and 5 are Attachment 1 to the Office Action dated March 30, 2006. (Appendix A to the Evidence Appendix)

The Examiner's citation to Van Arsdel to support his contention that it teaches each of the elements of the second section is the following:⁵

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers which are wrapped around the rim of the wheel, and to increase the finger hold the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges here shown as three in number, 6, 7, and 8....

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver.

Van Arsdel, Page 1, Right Column, Lines 29-54.

The Examiner contends that the grip-rest is deformable; however Appellant submits this is not supported by Van Arsdel. Van Arsdel requires the following to move the grip-rest: loosen the screw, reposition the grip-rest, and retighten the screw. (Van Arsdel, Page 2, Left Column, Lines 28-32) Appellant submits that this is not deforming according to claim 14 during normal use of the grip-rest. Once the grip-rest of Van Arsdel is in place, it is fixed, and does not move. Thus, Van Arsdel is missing the deforming element.

Appellant's position on the teachings of Van Arsdel is supported by the reference:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across a steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 on the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway. Emphasis added]

Van Arsdel, Page 1, Right Column, Lines 13-28.

The quotation immediately above clearly demonstrates that the grip-rest of Van Arsdel does not deform according to claim 14 when pressure is applied to it. Noting this, Van Arsdel is missing at least one element and, as such, it cannot establish a prima facie basis of anticipation.

⁵ See Office Action dated March 30, 2006, p. 3. (Appendix A to the Evidence Appendix)

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these claims has all of the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for at least the same reasons as Claim 14.

In Section V above, Appellant states what claims 15-17, 19/17, 24/14, and 27 add to what is claimed in claim 14. These separate combinations, namely 15/14, 16/14, 17/14, 19/17, 24, and 27/14, each provides bases for not being anticipated, which includes the reasons claim 14 is not anticipated.

Noting the foregoing, Appellant has demonstrated clearly that claims 14-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel and respectfully request that this basis for rejection be reversed.

D. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27

The Examiner rejected claims 14-17, 19/17, 24/14, and 27 as being anticipated by Anson. Relying on Examiner-annotated versions Figures 1, 2, and 8 of Anson, the Examiner states that reference no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14.⁶ However, it is important to review the description of the Anson attachment on which the Examiner puts tremendous weight in considering the issue of anticipation:

I have found that in the driving of an automobile and particularly when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel and positions which require the driver's arms remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue...

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

Anson, Page 1, Left Column, Lines 6-25.

The steering wheel attachment of Anson is described as follows:

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downwardly from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11 is reduced in cross-sectional area at one end to form a neck 12. Neck 12...will have sufficient pliability...to be deflected from its normal pendant

⁶ See Office Action dated March 30, 2006, p. 4. (Appendix A to the Evidence Appendix)

position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Anson, Page 1, Right Column, Line 49 – Page 2, Left Column, Line 18.

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendant position below the steering wheel and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendant-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use at all. Moreover, if it were used, it would not be deformed out of interference but would be held in the pendant position to steer the vehicle and not released. Further, if the handgrip is moved to the top of the steering wheel, it will be awkward and dangerous to use because the driver's hands will be disposed through the steering wheel. In this position, it also will not provide any of the benefits recited in Anson to relieve fatigue in the arms or hands of the driver.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendant position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be placed purposefully out of use all the time. As such, it will not be in a position to be deformed as set forth in the second section of claim 14.⁷ If the handgrip is moved to the top of the steering wheel, as suggested by the Examiner, it would be awkward and dangerous to use for driving because the driver's hands would be disposed through the steering wheel. In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached. Noting this, Anson is missing at least the deforming element of claim 20 and, as such, it does not support a prima facie basis of anticipation.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. Thus, each of these claims has all of the features of claim 14. Therefore, claims 14-17, 19/17, 24/14, and 27 are not anticipated by Anson for at least the same reasons as claim 14.

⁷ Anson, Page 2, Left Column, Lines 68-72.

In Section V above, Appellant sets forth what claims 14-17, 19/17, 24/14, and 27 add to claim 14. These separate combinations, namely 15/14, 16/14, 17/14, 19/17, 24, and 27/14, each provides bases for not being anticipated, which includes the reasons claim 14 is not anticipated by Anson.

Noting the foregoing, Appellant has demonstrated clearly that claims 14-17, 19/17, 24/14, and 27 are not anticipated by Anson and respectfully request that this basis for rejection be reversed.

E. Laubach Does Not Anticipate Claims 14, 18, and 19/18

The Examiner rejected 14, 18, and 19/18 for anticipation based on Laubach. The Examiner relies on the Examiner-annotated version Figure 2 of Laubach and indicates that reference nos. 7 and 8 equates to the first section and reference no. 10 equates to the second section of claim 14.⁸ Appellant submits that Laubach does not form a prima facie basis of anticipation because at least one element is missing.

Laubach states the following with regard to the knobs attached to the steering wheel:

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knob 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1...

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2. [Emphasis added]

Laubach, Page 1, Lines 43–71.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will be in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel, as does the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as

⁸ See Office Action dated March 30, 2006, pp. 5-6. (Appendix A to the Evidence Appendix)

shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them. Therefore, Laubach does not support a prima facie basis of anticipation because it is missing at least one element of claim 14 relating to deformation of the knobs out of interference with the operation of the steering wheel in the normal operation of the knobs.

As Appellant previously stated, claims 18 and 19/18 depend from claim 14. As such, each of these claims have all of the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons as claim 14.

Section V above states what claims 18 and 19/18 add to the invention of claim 14. These separate combinations, namely 14/18 and 14/19, each provides bases for not being anticipated, which includes the reasons claim 14 is not anticipated by Laubach.

Noting the foregoing, Appellant has demonstrated clearly that claims 14, 18, and 19/18 are not anticipated by Laubach and respectfully request that this basis of rejection be reversed.

VIII. Claims Appendix

1-13. (Cancelled)

14. (Previously Presented) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and

a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Previously Presented) The apparatus as recited in claim 14, wherein the steering wheel includes the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Presented) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Previously Presented) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of the peripheral portion of the steering wheel.

18. (Previously Presented) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Presented) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Withdrawn) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operator the steering wheel when pressure form the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel..

21. (Withdrawn) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Withdrawn) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Withdrawn) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Previously Presented) The apparatus as recited in claim 14, wherein each first section is formed integral with the steering wheel.

25. (Withdrawn) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Withdrawn) The apparatus as recited in claim 20, wherein each first section is deformable.

27. (Previously Presented) The apparatus as recited in claim 14, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

28. (Withdrawn) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

IX. Evidence Appendix

Attachment A is a copy of the March 30, 2006, Office Action;

Attachment B is a copy of Appellant's June 12, 2006, Response, which includes Appellant's last claim amendments;

Attachment C is a copy of Appellant's June 26, 2006, Response;

Attachment D is a copy of the Office Action dated July 14, 2006; and

Attachment E is a copy of Appellant's August 3, 2006, Amendment and Response to Notice of Non-Compliant Amendment.

X. Related Proceedings Appendix

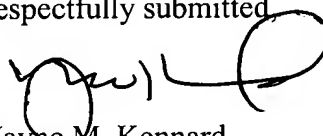
None

CONCLUSION

In the foregoing, Appellant has clearly traversed each of the Examiner's bases for rejecting amended claims 14-19, 24/14, and 27 under 35 U.S.C. §112, second ¶, for indefiniteness, and claims 14-19, 24/14, and 27 under 35 U.S.C. §102 for allegedly being anticipated by Van Arsdel, Anson, and Laubach. Accordingly Appellant requests that the Board reverse these outstanding rejections and remand the application to Examiner and direct that the application be sent to issue.

No fees are believed due; however, please charge any additional fees due or overpayments to Deposit Account No. 08-0219.

Respectfully submitted,



Wayne M. Kennard
Registration No. 30,271
Attorney for Appellant

Dated: October 31, 2006

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Evidence Appendix

Attachment A to Evidence Appendix



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APPLICATION NO.	FILING DATE	INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.120	5202
23483	7590	03/30/2006		

WILMER CUTLER PICKERING HALE AND DORR LLP
 60 STATE STREET
 BOSTON, MA 02109

EXAMINER
 LUONG, VINH

ART UNIT
 3682

PAPER NUMBER

DATE MAILED: 03/30/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

WILMER CUTLER PICKERING
 HALE and DORR LLP DOCKETING
 RE: 114089.120/51
 Action Date: 6-30-06
 Action to be Taken: ADUE
 Docketed By: BMB On: 4-3-06

Office Action Summary	Application No.	Applicant(s)	
	10/727,306	WILSON, DOUGLAS B.	
	Examiner	Art Unit	
	Vinh T. Luong	3682	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 1/30/06 & 2/8/06.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) 20-23, 14/20, 25, 26, 28 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 14-19, 24/14, 27 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.


Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 03 December 2003 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.


Vinh T. Luong
Primary Examiner

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input checked="" type="checkbox"/> Other: <u>Attachments 1-3</u> . |

Art Unit: 3682

1. The Amendment filed on January 30, 2006 and the Letter in Response to the Signature filed on February 8, 2006 have been entered.
2. Applicant's election of the species of Figs. 1, 3, and 4 in the reply filed on January 30, 2006 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse. MPEP § 818.03(a).
3. Claims 20-23, 24/20, 25, 26, and 28 are withdrawn from further consideration pursuant to 37 CFR 1.142(b) as being drawn to a nonelected species, there being no allowable generic or linking claim. Election was made **without** traverse in the reply filed on January 30, 2006.
4. The drawings are objected to because each part of the invention, such as, the angle in claim 14 should be designated by a referential numeral or character.

Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The figure or figure number of an amended drawing should not be labeled as "amended." If a drawing figure is to be canceled, the appropriate figure must be removed from the replacement sheet, and where necessary, the remaining figures must be renumbered and appropriate changes made to the brief description of the several views of the drawings for consistency. Additional replacement sheets may be necessary to show the renumbering of the remaining figures. Each drawing sheet submitted after the filing date of an application must be labeled in the top margin as either "Replacement Sheet" or "New Sheet" pursuant to 37 CFR 1.121(d). If the changes are not accepted by the examiner, the applicant will

Art Unit: 3682

be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

5. The disclosure is objected to because of the following informalities: each part of the invention, such as, the angle in claim 14 should be designated by a referential numeral or character. Appropriate correction is required.

6. The specification is objected to as failing to provide proper antecedent basis for the claimed subject matter, such as, the angle in claim 14. See 37 CFR 1.75(d)(1) and MPEP § 608.01(o). Correction is required.

7. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

8. Claims 14-19, 24/14, and 27 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

The term “rigid,” “semi-rigid,” “flexible,” or “non-deformable” in claims 14 and 27 is a relative term, which renders the claim indefinite. The term “rigid,” “semi-rigid,” “flexible,” or “non-deformable” is not defined by the claim, the specification does not provide a standard for ascertaining the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention. For example, it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as being “rigid,” “semi-rigid,” “flexible,” or “non-deformable.” See *Fredman v. Harris-Hub Co., Inc.*, 163 USPQ 397 (DC N Ill 1969)(“Flexibility” and “rigidity” are relative terms, particularly since virtually any thing will flex if enough pressure is applied to it).

Art Unit: 3682

It is unclear whether:

(a) the term that appears at least twice, such as, "a steering wheel" in claim 15/14 refers to the same or different things. See double inclusion in MPEP 2173.05(o); and

(b) a confusing variety of terms, such as, "a peripheral portion of the steering wheel" and "a predetermined peripheral portion of the steering wheel" in claim 17/14 refers to the same or different things. See MPEP 608.01(o).

9. Claims 14-17, 19/17, 24/14, and 27, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Van Arsdel (US Patent No. 2,118,540).

Regarding claim 14, Van Arsdel teaches a fatigue relieving/preventing apparatus associated with a steering wheel 3 for controlling a vehicle, comprising:

a first section 4 (i.e., a horizontal section) that connects to a peripheral portion of the steering wheel 3; and

a rigid, semi-rigid or flexible, or non-deformable second section 2 that connects to, and extends from the first section 4 at the peripheral portion of the steering wheel 3, the second section 2 extends from the first section 4 outward at an angle (see angle α in Figs. 3 and 5 of Attachment 1) to a plane (Att. 1) across a front face of the steering wheel 3, the second section 2 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 2 is less than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 3 when pressure from the portion of the vehicular operator's body on

Art Unit: 3682

the second section 2 is equal to or greater than the pressure for deforming the second section 2 out of interference with the vehicular operator's ability to operate the steering wheel 3.

Regarding claim 15, the steering wheel 3 includes a steering wheel 3 for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

Regarding claim 16, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 17, the first section 4 extends a length of a predetermined peripheral portion of the steering wheel 3.

Regarding claim 19/17, the first section 4 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexibility" in *Fredman v. Harris-Hub Co., Inc., supra*.

Regarding claim 24/14, each first section 4 is formed integral with the steering wheel 3. It is well settled that the term "integral" is not restricted to a one-piece article. The term "integral" is sufficiently broad to embrace constructions united by such means as fastening and welding. See *In re Hotte*, 177 USPQ 326 (CCPA); *In re Clark*, 102 USPQ 241 (CCPA); *In re Dike*, 157 USPQ 581 (CCPA); *In re Kohno*, 157 USPQ 275 (CCPA); and *In re Morris*, 43 USPQ2d 1753, 1757 (CAFC 1997).

Regarding claim 27, the first section 4 is flexible, rigid, or semi-rigid, or non-deformable. See "flexibility" in *Fredman v. Harris-Hub Co., Inc., supra*.

10. Claims 14-17, 19/17, 24/14, and 27 are rejected under 35 U.S.C. 102(b) as being anticipated by Anson (US Patent No. 2,134,020).

Regarding claim 14, Anson teaches a fatigue relieving/preventing apparatus associated with a steering wheel 10 for controlling a vehicle, comprising:

a first section 13 that connects to a peripheral portion of the steering wheel 10; and
a rigid, semi-rigid or flexible, or non-deformable second section 11 that connects to, and extends from the first section 13 at the peripheral portion of the steering wheel 10, the second section 11 extends from the first section 13 outward at an angle (see angle α in Fig. 8 of Attachment 2) to a plane (Att. 2) across a front face of the steering wheel 10, the second section 11 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 11 is less than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 10 when pressure from the portion of the vehicular operator's body on the second section 11 is equal to or greater than the pressure for deforming the second section 11 out of interference with the vehicular operator's ability to operate the steering wheel 10.

Regarding claim 15, the steering wheel 10 includes a steering wheel 10 for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

Regarding claim 16, the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

Regarding claim 17, the first section 13 extends a length of a predetermined peripheral portion of the steering wheel 10.

Art Unit: 3682

Regarding claim 19/17, the first section 13 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexible" in *Fredman v. Harris-Hub Co., Inc., supra.*

Regarding claim 24/14, each first section 13 is formed integral with the steering wheel 10. See *In re Hotte; In re Clark; In re Dike; In re Kohno; and In re Morris, supra.*

Regarding claim 27, the first section 13 is flexible, rigid, or semi-rigid, or nondeformable. See "flexible" in *Fredman v. Harris-Hub Co., Inc., supra.*

11. Claims 14, 18, and 19/18, as best understood, are rejected under 35 U.S.C. 102(b) as being anticipated by Laubach (US Patent No. 1,575,848).

Regarding claim 14, Laubach teaches a fatigue relieving/preventing apparatus associated with a steering wheel 1 for controlling a vehicle, comprising:

a first section 7, 8 that connects to a peripheral portion of the steering wheel 1; and
a rigid, semi-rigid or flexible, or non-deformable second section 10 that connects to, and extends from the first section 7, 8 at the peripheral portion of the steering wheel 1, the second section 10 extends from the first section 7, 8 outward at an angle (see angle α in Fig. 2 of Attachment 3) to a plane (Att. 3) across a front face (Att. 3) of the steering wheel 1, the second section 10 for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section 10 is less than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1, and deforming out of interference with the vehicular operator's ability to operate the steering wheel 1 when pressure from the portion of the vehicular operator's

Art Unit: 3682

body on the second section 10 is equal to or greater than the pressure for deforming the second section 10 out of interference with the vehicular operator's ability to operate the steering wheel 1.

Regarding claim 18, the second section 10 includes at least two second sections (Fig. 1) that each connect to the first section 7, 8 at separate locations.

Regarding claim 19/18, the first section 7, 8 is deformable. Note that virtually any thing will be deformed if enough pressure is applied to it. See "flexible" in *Fredman v. Harris-Hub Co., Inc., supra*.

12. Claims 14-19, 24/14, and 27, as best understood, are provisionally rejected under the judicially created doctrine of obviousness-type double patenting as being unpatentable over claims 20-28 of copending Application No. 10720821 (Appl.'821). Although the conflicting claims are not identical, they are not patentably distinct from each other because claims 14-19, 24/14, and 27 of this application and claims 20-28 of Appl.'821 substantially claim common structures such as a first section and a second section connected to the first section. To the extent that claims 14-19, 24/14, and 27 in this application call for the second section being rigid, semi-rigid or flexible, or *non-deformable*, meanwhile, claims 20-28 in Appl.'821 call for the second section being *deformable*, however, the terms rigid, semi-rigid, flexible, non-deformable, and deformable are relative terms. In fact, when the second section is rigid, semi-rigid, or flexible, it will be deformed if enough pressure is applied to it. Alternatively, when the second section is deformable, it inherently is flexible. See *Fredman v. Harris-Hub Co., Inc., supra*. On the other hand, it is well settled that selection of known material suitable for its intended purpose would have been obvious. *In re Leshin*, 125 USPQ 416 (CCPA 1960) and MPEP 2144.07.

Art Unit: 3682

It would have been obvious to one having ordinary skill in the art at the time the invention was made to choose the material of the second section claimed in claims 14-19, 24/14, and 27 of this application such that it is deformable as claimed in claims 20-28 of Appl.'821 in order support a portion of the vehicular operator's body as taught or suggested by common knowledge in the art. *In re Leshin, supra*.

This is a provisional obviousness-type double patenting rejection because the conflicting claims have not in fact been patented.

13. Applicant's arguments filed November 3, 2005 and January 30, 2006 have been fully considered but they are not persuasive.

35 USC 112, 2nd Paragraph

Applicant contended that:

New claims 14-28, like cancelled claims 1-13, include the terms "rigid," "semi-rigid," "flexible," and "non-deformable." Applicant has attached as Attachment A excerpts from the *Ninth New Collegiate Dictionary*. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would *clearly* understand the scope of the claims when "rigid," "semi-rigid," or "flexible," or "non-deformable," is used. As such, claims 14-28 would be definite in the hands of a person of ordinary skill in the art. (Emphasis added).

The Examiner respectfully submits that Applicant is not confined to normal dictionary meaning. *Fromson v. Advance Offset Plate, Inc.*, 219 USPQ 1137, 1140 (Fed. Cir. 1983). It is well established that dictionary definitions must give way to the meaning imparted by the specification. *In re Johnston*, 77 USPQ2d 1788, 1790 (Fed. Cir. 2006) cited *Phillips v. AWH Industries*, 415 F.3d 1303 [75 USPQ2d 1321](Fed. Cir. 2005)(*en banc*). In the instant case, the

Art Unit: 3682

specification does not impart or define the meaning of the relative terms, such as, rigid, semi-rigid, flexible, and non-deformable. Assuming *arguendo* that a person of ordinary skill in the art would clearly understand the meaning of these terms as defined by dictionary, however, the scope of the claims is still deemed to be indefinite since it is unclear as to, *e.g.*, what materials are covered by the claims. Hence, the rejection under 35 USC 112 is respectfully maintained.

35 USC 102

The rejection based on Lin, Dickinson, or Hamasaka is withdrawn in view of Applicant's amendment in the claims. Applicant's arguments regarding Lin, Dickinson, or Hamasaka are deemed to be moot.

Obviousness Type Double Patenting

Applicant has not filed the terminal disclaimer. Therefore, the rejection based on obviousness type double patenting has not been overcome.

New Prior Art

Applicant argued:

Of the five patents, Laubach, Anson, Van Arsdel, and Berzer, among other things, disclose an element that engages the hand of the driver that is disposed outward or inward from the steering wheel rim in the plane across of the face of the steering wheel. As set forth in claims 14-28, *the second section of the fatigue-relieving apparatus is disposed outward at an angle to the plane across the face of the steering*. This distinguishes claims 14-28 from each of these references. (Emphasis added).

The instant Office action only uses Laubach, Anson, and Van Arsdel. Each of these references teaches the second section disposed outward at an angle to the plane across the face of the steering wheel as seen in Attachments 1-3. Therefore, the elected claims 14-19, 24/14 and 27

Art Unit: 3682

are not allowable. The remaining references Shipley and Berzer are not used to reject Applicant's claims. Applicant's arguments about Shipley and Berzer are moot.

Conclusion

For the reasons set forth above, Applicant's request to allow the claims is respectfully denied.

14. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

15. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vinh T. Luong whose telephone number is 571-272-7109. The examiner can normally be reached on Monday - Thursday.

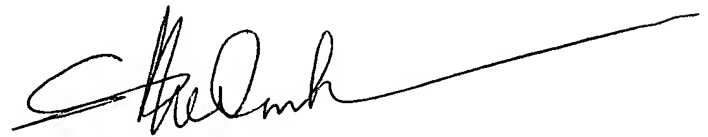
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Ridley can be reached on 571-272-6917. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3682

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Luong

March 28, 2006



Vinh T. Luong
Primary Examiner

ATTACHMENT # 1

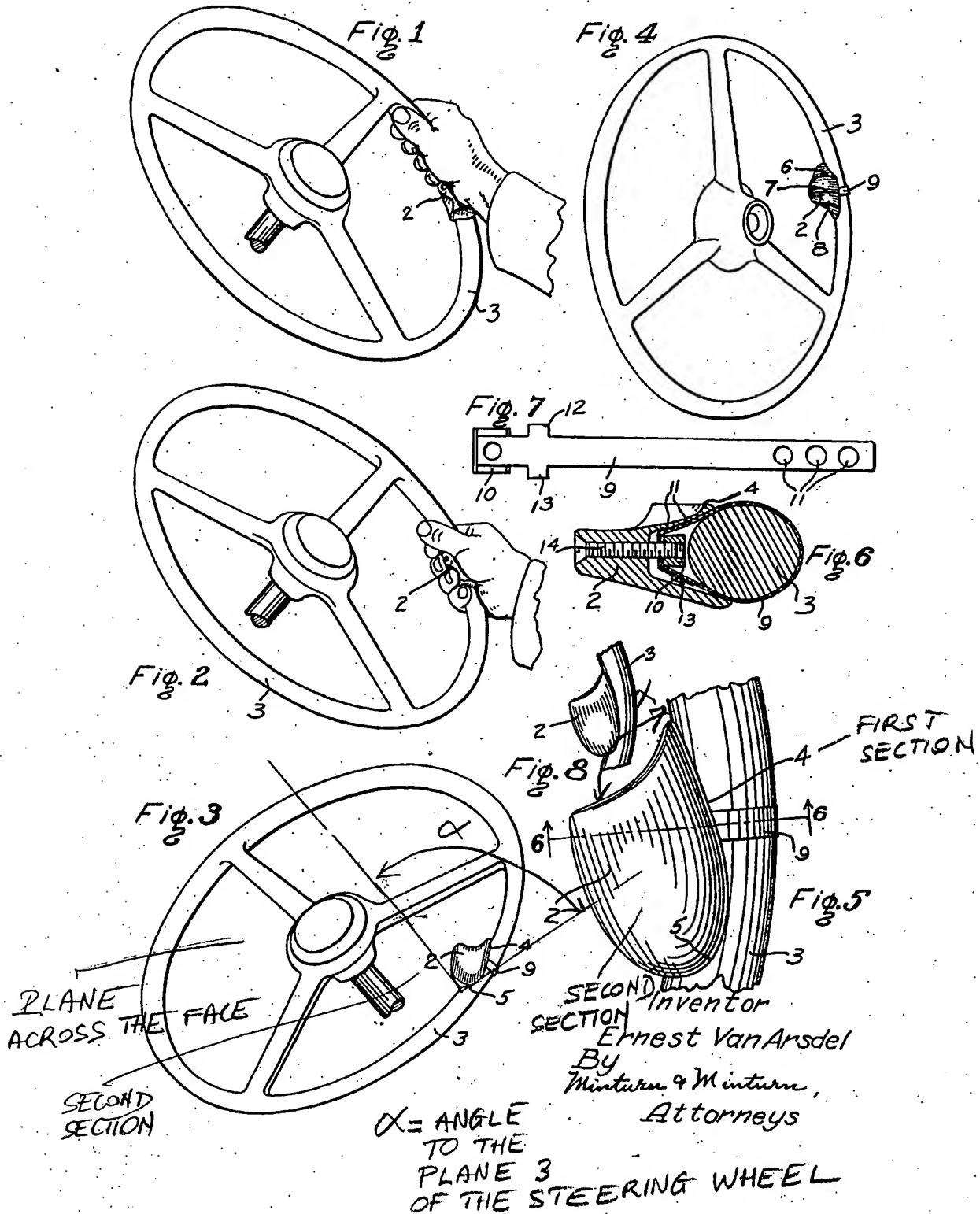
May 24, 1938.

E. VAN ARSDEL

2,118,540

AUTO STEERING WHEEL HANDGRIP

Filed May 10, 1937



ATTACHMENT # 2

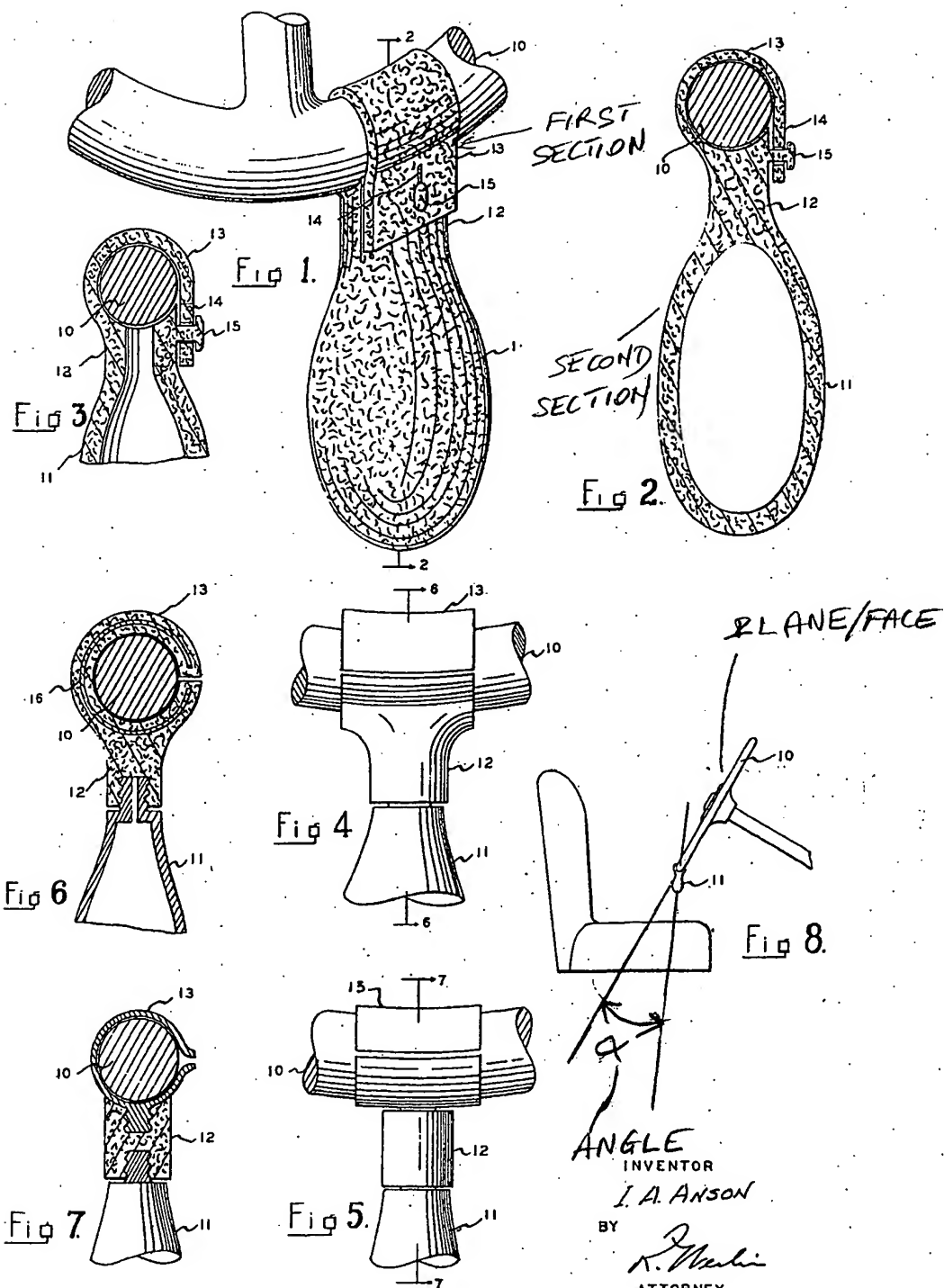
Oct. 25, 1938.

I. A. ANSON

2,134,020

STEERING WHEEL ATTACHMENT

Filed Sept. 30, 1937



ATTACHMENT # 3

March 9, 1926.

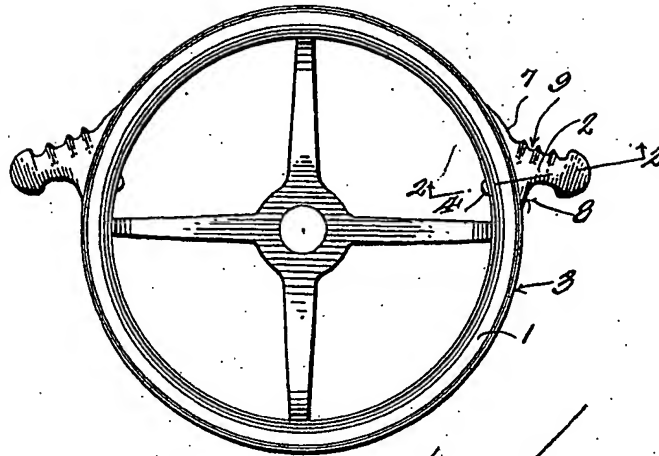
C. E. E. LAUBACH

1,575,848

STEERING WHEEL

Filed July 13, 1925

Fig. 1.



PLANE/FACE

Fig. 2.

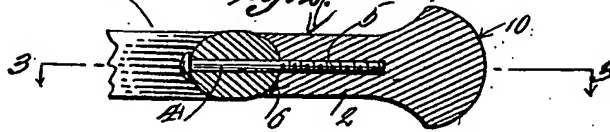
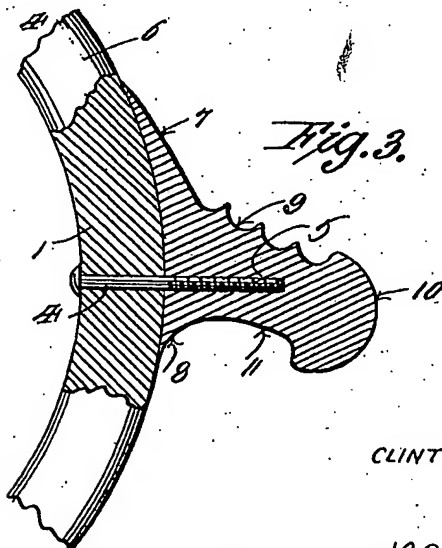


Fig. 3.



WITNESSES

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PTO/SB/21 (09-04)

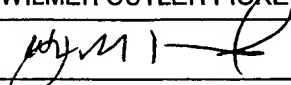
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<h1 style="text-align: center;">TRANSMITTAL FORM</h1> <p style="text-align: center;"><i>(to be used for all correspondence after initial filing)</i></p>		Application Number	10/727306-Conf. #5202
		Filing Date	December 3, 2003
		First Named Inventor	Douglas B. WILSON
		Art Unit	3682
		Examiner Name	V. Luong
Total Number of Pages in This Submission	26	Attorney Docket Number	0114089.00121US1

ENCLOSURES (Check all that apply)		
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Printed name	Wayne M. Kennard		
Date	June 12, 2006	Reg. No.	30,271

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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wilson

Examiner: Vinh Luong

Serial No.: 10/727,306

Art Unit: 3682

Filing Date: December 3, 2003

For: FATIGUE RELIEVING SUPPORT FOR STEERING WHEELS AND
THE LIKE

Mail Stop Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Response

Sir:

This is a Response to the Office Action dated March 30, 2006. This Response places the application and the claims therein, in condition for allowance. In this Response, the amendments to the specification begin on page 2, the amendment to the claims begin on page 5, and the Remarks begin on page 8.

Specification:

Page 2, please rewrite the third full paragraph as follows:

The system of the present invention will include at least one part that extends outward at an angle from a plane across the face of the steering wheel or vehicular control. This part is at least partially deformable in at least one direction, so that the system will not interfere with the operation of the wheel or control. This deformability, however, will not impede the support function of the system on the invention. Furthermore, the deformable material has memory, so that after a deforming force is removed, it resumes its original predeformation configuration and shape, which is extending outward at an angle from a plane across the face of the steering wheel or vehicular control.

Page 3, please rewrite the seventh full paragraph as follows:

Deformable ~~material~~ second section 102 extends outward from steering control 105 over a predetermined section of the steering control, which is shown in Figure 1 to be an arc. As is better shown in Figure 3, a deformable second section such as 102 extends outward at an angle from a plane across the face of a steering control such as 105. Deformable second section 102 may extends outward from the steering control at or below the inside circumference of the control over the predetermined arc. This arc will typically include at least the ten 104 and two 106 o'clock positions, or may include the entire circumference.

Page 4, please rewrite the fourth and fifth full paragraphs as follows:

The first system of the present invention at 202 includes first section 204 that connects to steering control 211 and second section 205 that extends outward from first section 204. Further, a second section such as 205 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 204 may be rigid, semi-rigid, or deformable, while second section 205 is deformable. If the first section is deformable, it may have memory.

Similarly, the second system of the present invention at 203 includes first section 207 that connects to steering control 211 and second section 209 that extends outward

from first section 207. Further, a second section such as 209 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 207 may be rigid, semi-rigid, or deformable, while second section 209 is deformable. Again, if the first section is deformable, it may have memory. Further, second sections 205 and 209 may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

Page 5, please rewrite second full paragraph as follows:

Referring to Figure 3, generally at 300, steering control 305 is shown that includes rim 308, spokes 310, and steering column 312. First section 301 is formed integral with rim 308 and deformable second section 302 extends outward from the first section. As is shown, second section 302 extends outward at angle 316 from plane 318 across the face of steering control 305. The material of second section 302 has sufficient strength that when driving, the driver may rest his/her wrists or portions of the hands 322 on the material and they will be supported. The structure is such that the weight of the arms and hands through the wrists or portions of the hands are supported without the material deforming.

Page 6, please rewrite the second and third full paragraphs as follows:

Referring to Figure 5, generally at 500, a second embodiment of the present invention is shown. System 501 of the present invention shown in Figure 5 includes a first section 502 that detachably connects to steering control rim. Deformable second section 503 connects to, and extends outwardly from, first section 502. As is shown, deformable second section 503 extends outward at angle 516 from plane 518 across the face of steering control rim 508. First section 502 may snap-on or otherwise attach to the steering control such that it may appear integral with the steering control. One of many possible known means for accomplishing this is by first section 502 being mostly rigid, and leaving a space 507 so the attachment can be forced over rim 508 and leave room for the steering control spokes 510. Regardless of the means for attachment, once first section 502 is attached to the steering control, it will provide all of the benefits that have been described for the first section being integrally formed with the rim. Additionally,

the second embodiment, may be a single structure with a single resting material support, a single structure with multiple resting supports, or multiple structures each with its own resting support. As in the other embodiments, the second section may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

By way of example, Figure 6, generally at 600, shows another alternate method to attach the system of the present invention to steering control rim 608. The system in this figure has first section 602 that will envelop rim 608. First section 602 may be made from a flexible material. First section 602 may have a slit 611, which after this section envelops the rim, may be stitched shut by stitches 613. As in the other embodiments of the present invention, deformable second section 603 connects to, and extends outwardly from, first section 602. Further, a deformable second section such as 603 extends outward at an angle from a plane across the face of a steering control rim such as 608 (see Figures 3 and 5). Again, the second section may be rigid, semi-rigid, or non-deformable and still be within the scope of the present invention.

In the Claims

14. (Previously Amended) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and
a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Currently Amended) The apparatus as recited in claim 14, wherein the steering wheel includes a the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Added) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Currently Amended) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of a ~~predetermined~~ the peripheral portion of the steering wheel.

18. (Previously Amended) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Added) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Previously Added) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operator the steering wheel when pressure form the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel..

21. (Previously Added) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Previously Added) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Previously Added) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Previously Added) The apparatus as recited in claim 14 or 20, wherein each first section is formed integral with the steering wheel.

25. (Previously Added) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Previously Added) The apparatus as recited in claim 20, wherein each first section is deformable.

27. (Previously Added) The apparatus as recited in claim 14, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

28. (Previously Added) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

Remarks

I. Introduction

Applicant is in receipt of the Office Action dated at March 30, 2006. Claims 14-19, 24/14, and 27 are pending in the present application. The Examiner has recited several grounds for objecting to and rejecting the present application. Examiner objected to the drawings for not including representations to the angular disposition of second section of the fatigue/relieving apparatus. In view of this objection to the drawings, the Examiner objected to the specification. The Examiner also has objected to claims 14-19, 24/14, and 27 for indefiniteness under 35 U.S.C. 112, second paragraph. Lastly, the Examiner rejected pending claims 14-19, 24/14 and 27 under 35 U.S.C. 102(b) for anticipation based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; or Laubach, U.S. Patent No. 1,575,848. Applicant will demonstrate herein that the objections and rejections have been overcome by this Response, thereby placing the present application in condition for allowance.

II. The Corrected Drawings Overcome the Examiner's Objection

On page 3 of the Office Action, the Examiner objected to the drawings because "each part of the invention, e.g., the angle and the face in claim 14 should be designated by a reference numeral or character." Applicant has corrected the drawings as requested by the Examiner. These changes to the drawings do not add new matter. As such, Applicant has traversed the Examiner's basis for objection to the drawings.

III. The Specification, As Amended, Overcome the Examiner's Objection

On page 4 of the Office Action, the Examiner objected to the specification for "failing to provide proper antecedent basis for the claimed the subject matter, such as, 'an angle,' in claim 14." Applicant has amended the specification to overcome this objection. These amendments do not add new matter. Therefore, this objection should be withdrawn.

IV. The Claims, As Amended Are Definitive.

On page 3 of the Office Action, the Examiner contends that the terms “rigid,” “semi-rigid,” “flexible,” or “non-deformable” in claims 14 and 17 are indefinite. Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

The Examiner contends that 14 and 17 are indefinite under 35 U.S.C. §§ 112, second paragraph, because of the recitation of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” In particular, the Examiner asserts that these terms are indefinite because these terms “[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” Further, the Examiner contends that “it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms “rigid,” semi-rigid, or flexible, or non-deformable.” Applicant submits that the claims are definite as will be shown.

Claims 14 and 17, include the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” Applicant has attached as Attachment A excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would clearly understand the scope of the claims when “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 17 would be definite in the hands of a person of ordinary skill in the art. Noting this, Applicant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. § 112, second paragraph, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that this rejection be withdrawn with regard to claims 14 and 19.

The Examiner also rejected claims 15 and 17 for allegedly having no anticipated basis for the terms “a steering wheel” and “a peripheral portion of the steering wheel,” respectively. Applicant has amended the claims to remove any possible confusion on the part of the Examiner with regard to overcoming this obviousness rejection.

Noting the foregoing, Applicant has traversed each of the Examiner's basis for rejecting the claims for indefiniteness under 35 U.S.C. 112, second paragraph.

V. Claims 14-19 Are Not Anticipated Under 35 § U.S.C. 102(b)

Claims 14-19, 24/14 and 27 are pending in the present application. In the current Office Action, claims 14-19, 24-14 and 27 have been rejected by the Examiner for anticipation under 35 U.S.C. § 102 (b) based on a three references. These references are U.S. Patent No. 1,575,848 to Laubach ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically, the Examiner relied on Van Arsdel or Anson for rejecting claims 14-17, 19/17, 24/14 and 27; and Laubach for rejecting claims 14, 18 and 19/18. Hereinafter, Applicant will demonstrate that claims 14-19, 24/14, and 27, as presently amended, place the present application in condition for allowance and the application should be passed to issue.

A. Applicable Law

In order for there to be anticipation under 35 U.S.C. §102, a single prior art reference must show each and every feature of the claimed invention in the same way. . *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("To anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation"). Applicant submits that neither Van Arsdel, Anson, nor Laubach satisfy this standard for finding anticipation under 35 U.S.C. § 102(b).

B. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27

Claim 14 is an independent claim and claims 15-19, 24/14, and 27 depend from claim 14. As such, claims 15-19, 24/14, and 27 add features to claim 20.

In relying on Van Arsdel, the Examiner does not cite to any descriptions of the auto steering wheel handgrip disclosed in this reference but annotates the drawings for this purpose. Specifically, the Examiner annotated Figures 3 and 5 in an attempt to show what is being claimed in claim 14. The Examiner states that reference no. 4 equates to the first section and reference no. 2 equates to the second section of claim 14. Applicant submits that the Examiner fails to consider and appreciate all of the elements of the

second section because if he did, two things would be clear (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element.

Van Arsdel at column 2, lines 13-54 states:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 of the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway.

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers, which are wrapped around the rim of the wheel, and increase the fingerhold [on] the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges, here shown as three in number, 6, 7, and 8.... [See Figure 4]

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver. [Emphasis added]

A review of Figures 3 and 5, as annotated by the Examiner, attempts to show that the grip-rest of Van Arsdel is disposed outward at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, the grip-rest is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it. This is very clear because in each disposition of the grip-rest in the Figures, it is fixed in this parallel plane to support the thumb or part of the palm. It is also fixed so that it is not deformable so the driver can put extensive pressure on it (and it will not move) for steering the automobile (See underscored sections in the quotation above).

If the grip-rest were supposed to be at an angle commensurate with the present invention as the Examiner contends, its disposition would be shown differently in the drawings. As such, there is not support for the Examiner's contention that the grip-rest is disposed other than in the plane parallel to the plane across the form of the steering wheel. Accordingly, one skilled in the art would not understand the grip-rest in Van Arsdel to be disposed as the Examiner contends.

There is also no support in the description of the grip-rest in Van Arsdel that it will deform in any way out of interference with the operation of the steering wheel. Applicant submits he is justified in taking this position given the description of the connection of the grip-rest as shown in Figure 6 or the integrally formed grip-rest shown in Figure 8. Therefore, the grip-rest of Van Arsdel would not anticipate the invention as set forth in claim 14 because it is missing at least one element, i.e., Van Arsdel at least does not teach or suggest the features of the second section being deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Noting in the foregoing, Applicant has demonstrated that the auto steering wheel grip-rest of Van Arsdel does not anticipate (or render obvious) the invention of claim 14. Accordingly, Applicant respectfully requests that the anticipation rejection based on Van Arsdel be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for the same reasons that claim 14 is not anticipated by this patent. Thus, Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

C. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27

The Examiner has rejected claims 14-17, 19/17, 24/14, and 27 for anticipation based on Anson. Referring to the Figures of Anson, the Examiner states that reference no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14. The Examiner has annotated Figure 8 to indicate that the steering wheel attachment of Anson is disposed at an angle α with respect to a plane across the face of

the steering wheel. Before addressing the Examiner's basis of rejection, Applicant submits that the description of the steering wheel attachment of Anson is germane to the Examiner's position on anticipation. Applicant also submits that if this description is taken into consideration, the Examiner should withdraw the anticipation rejection based on Anson.

In the description of the purpose of the steering wheel attachment in Anson, the patent states (Page 1, left column, lines 6-25):

I have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel in positions which require the driver's arms to remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue, such as will frequently dull the driver's normal reflexes and alertness and thereby increase the danger of accidents.

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

The steering wheel attachment of Anson is subsequently described in the patent. The following description is stated (Page 1, right column, line 49 – Page 2, left column, line 18):

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downward from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11...which will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Applicant submits that the steering wheel attachment of Anson does disclose all of the elements of claim 14. As set forth in the quotation above, the steering wheel attachment of Anson is a pliable structure that dangles downward from the bottom of the

steering wheel. It is further understood from the quotation above that in use the steering wheel attachment is grasped by the driver's hand while the arms and hands are resting in the driver's lap. There is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use. The other dispositive of the hand grip at the top of rim is for situations where it is removed from use.

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendent position and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendent-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use. Moreover, if it were used, it would not be deformed out of interference but would be held to steer the vehicle.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendent position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be purposefully out of use all the time so it will not be in a position to be deformed as set forth in the second section of claim 14.¹ In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached.

Given the foregoing, the steering wheel attachment of Anson at least does not indicate the element of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not teach that the attachment will be deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Anson and requests that the anticipation rejection based on this patent be withdrawn.

¹ Anson, page 2, left column, lines 68-72.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Anson for the same reasons that claim 14 is not anticipated by this patent. Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

D. Laubach Does Not Anticipate Claims 14, 18, and 19/18

The Examiner has rejected claims 14, 18, and 19/18 for anticipation based on Laubach. In formulating the rejection based on Laubach, the Examiner has not relied on any part of the disclosure in that patent but has annotated the drawings to allegedly show that Laubach teaches each and every feature of claim 14. The Examiner states that reference nos. 7 and 8 of the knob 2 equates to the first section and reference no. 10 equates to the second section of claim 14. Applicant submits that the Examiner's reliance on Laubach is misplaced.

Laubach states the following with regard to the knobs attached to the steering wheel (Page 1, line 43 – 71):

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knobs 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1....

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2. [Emphasis added]

The Examiner has annotated the drawings to attempt to show that enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel. This is not supported.

The hands of the driver are supported by gripping the knobs in the defined finger recesses shown in the drawings. The heads 10 are enlarged for this sole purpose of preventing the hands from slipping off of the knobs. The heads 10 clearly are not

disposed at an angle outward of the plane across the face of the steering wheel but are placed at the end of the knobs solely to act as a stop. Further, the heads 10 are not deformable out of interference with the operation of the steering wheel as set forth in claim 14. They are fixed in place along with the rest of the knobs.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the a plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel as in the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them.

Therefore, Laubach at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and the knobs of Laubach do not deform out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Laubach and requests that the anticipation rejection based on this patent be withdrawn.

Claims 18 and 19/18 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons that claim 14 is not anticipated by this patent. Therefore, Applicant has traversed the Examiner's bases for rejecting claims 18 and 19/18 for anticipation and respectfully requests that this rejection be withdrawn.

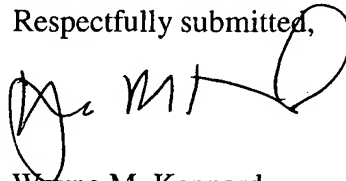
III. Conclusion

In this Response, Applicant has traversed Examiner's (i) objection to the drawings, (ii) objection to the specification, (iii) and anticipation rejections under 35 U.S.C. 102(b) based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; and Laubach, U.S. Patent No. 1,575,848. As such, Applicant has placed the present application in condition for allowance.

The present invention is new, non-obvious and useful. Reconsideration and allowance of the claims are respectfully requested.

Dated: June 12, 2006

Respectfully submitted,

A handwritten signature in black ink, appearing to read 'Wayne M. Kennard', written over a horizontal line.

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fleawort \flē-wort, -wō(s)rt/ n [ME *fleawort*, fr. OE *fleawyr*, fr. *flea* + *wyr* herb, root — more at **ROOT**] (bef. 12c) : any of three Old World plants (esp. *Plantago psyllium*) whose seeds are sometimes used as a mild laxative — compare **PSYLLIUM SEED**

flèche \flāsh, -flēsh/ n [F. lit., arrow] (1848) : SPIRE; esp. : a slender spire above the intersection of the nave and transepts of a church
fléchet \flā-shet, flē-sh/ n [F. fr. dim. of *flèche* arrow, fr. OF *fleche*, of Gmc origin; akin to MD *vlieke* arrow, OE *fleogan* to fly] (1915) : a small dart-shaped projectile that is clustered in an explosive warhead, dropped as a missile from an airplane, or fired from a hand-held gun
fleck \flēk/ vt [back-formation fr. *flecked* spotted, fr. ME, prob. fr. ON *flekkōtr*, fr. *flekk* spot — more at **FLAY**] (14c) : STREAK, SPOT (white-caps ~ed the blue sea)

fleck n (1598) 1 : SPOT, MARK (a brown tweed with ~s of yellow) 2 : FLAKE, PARTICLE (~s of snow drifted down)

flection var of **FLEXION**

fledge \flēj/ vt fledged; fledg-ing \fledge/ (capable of flying), fr. ME *flegge*, fr. OE *flycge*, akin to OHG *flucki* capable of flying, OE *fleogan* to fly — more at **FLY** vi of a bird (1566) : to acquire the feathers necessary for flight ~ vt 1 : to rear until ready for flight or independent activity 2 : to cover with or as if with feathers or down 3 : to furnish (as an arrow) with feathers

fledg-ling \flēj-ling/ n (1830) 1 : a young bird just fledged 2 : an immature or inexperienced person 3 : one that is new (a ~ company in the industry)

flee \flē/ vb fled \flēd/; fleeing [ME *fleen*, fr. OE *fleōn*; akin to OHG *flihan* to flee] vi (bef. 12c) 1 a : to run away often from danger or evil : FLY b : to hurry toward a place of security 2 : to pass away swiftly : VANISH (mists ~ing before the rising sun) ~ vt : to run away from : SHUN

fleece \flēs/ n [ME *flees*, fr. OE *fleōs*; akin to MHG *vliuz* fleece, L *pluma* feather, down] (bef. 12c) 1 a : the coat of wool covering a wool-bearing animal (as a sheep) b : the wool obtained from a sheep at one shearing 2 a : any of various soft or woolly coverings b : a soft bulky deep-piled knitted or woven fabric used chiefly for clothing
fleece vi fleeced; fleec-ing (1537) 1 a : to strip of money or property by fraud or extortion b : to charge excessively for goods or services 2 : to remove the fleece from : SHEAR 3 : to dot or cover with fleecy masses

fleeced \flēst/ adj (1580) 1 : covered with or as if with a fleece 2 of a textile : having a soft nap

fleech \flēch/ vb [ME (Sc) *flechen*] dial (14c) : COAX, WHEEDLE
fleecey \flē-se/ adj fleeced-er; -est (1590) : covered with, made of, or resembling fleece (a ~ winter coat)

fleece \flē(s)r/ vi [ME *fleeren*, of Scand origin; akin to Norw *flire* to giggle — more at **FLIMFLAM**] (15c) : to laugh or grimace in a coarse derisive manner : SNEER syn see **SCOFF** — fleec-ing-ly \-ig-lē/ adv
fleer n (1604) : a word or look of derision or mockery

fleet \flēt/ vb [ME *fleeten*, fr. OE *fleotan*; akin to OHG *fliozzan* to float, OE *flotan* to flow] vi (bef. 12c) 1 obs : DRIFT 2 archaic : FLOW b : to fade away : VANISH 3 : to fly swiftly ~ vt 1 : to cause (time) to pass usu. quickly or imperceptibly 2 [alter. of *flit*] : to move or change in position (~ a hawser)

fleet n [ME *flete*, fr. OE *fleot* ship, fr. *fleotan*] (13c) 1 : a number of warships under a single command; *specif.* : an organization of ships and aircraft under the command of a flag officer 2 : a group (as of ships, planes, or trucks) operated under unified control

fleet adj [prob. fr. *fleet*] (1529) 1 : swift in motion : NIMBLE 2 : EVANESCENT FLEETING syn see **FAST** — fleet-ly adv — fleet-ness n
fleet admiral n (1946) : an admiral of the highest rank in the navy whose insignia is five stars

fleet-footed \fūt-əd/ adj (1743) : able to run fast
fleeting adj (1563) : passing swiftly : TRANSITORY syn see **TRANSIENT** — fleet-ing-ly \-ig-lē/ adv — fleet-ing-ness n

Fleet Street \flē-t/ n [Fleet Street, London, England, center of the London newspaper district] (1882) : the London press

fleishig \flā-shik/ adj [Yiddish, fr. MHG *vleischic* meaty, fr. *vleisch* flesh, meat, fr. OHG *fleisk*] (1943) : made of, prepared with, or used for meat or meat products — compare **MILCHIG**, **PARVE**

Flem-ing \flēm-ing/ n [ME, fr. MD *Vlaming* (akin to MD *Vlander* Flanders)] (12c) : a member of the Germanic people inhabiting northern Belgium and a small section of northern France

Flem-ish \flēm-ish/ adj (14c) : of, relating to, or characteristic of Flanders or the Flemings or their language

Flemish n (1727) 1 : the Dutch language used by the Flemings 2 pl in constr. : FLEMINGS

Flemish giant n (ca. 1898) : a rabbit of a breed prob. of Belgian origin that is characterized by large size, vigor, and solid coat color in black, white, or gray

flense \flēn(t)s/ vt flensed; flens-ing [D *flensen* or Dan & Norw *flense*] (1814) : to strip (as a whale) of blubber or skin

flesh \flēsh/ n [ME, fr. OE *flesc*; akin to OHG *fleisk* flesh and prob. to ON *fla* to flay — more at **FLAY**] (bef. 12c) 1 a : the soft parts of the body of an animal and esp. of a vertebrate; esp. : the parts composed chiefly of skeletal muscle as distinguished from visceral structures, bone, and integuments b : sleek well-fatted condition of body c : SKIN 2 a : edible parts of an animal b : flesh of a mammal or fowl that is an article of diet (abstain from ~ during religious fasts) 3 a : the physical being of man (the spirit indeed is willing, but the ~ is weak — Mt 26:41 (AV)) b : HUMAN NATURE 4 a : human beings : MANKIND b : living beings c : STOCK, KINDRED 5 : a fleshy plant part used as food; also : the fleshy part of a fruit 6 *Christian Science* : an illusion that matter has sensation 7 : SUBSTANCE (insights buried in the ~ of the narrative — Jan Carew) — in the flesh : in person and alive

flesh vi (1530) 1 : to initiate or habituate esp. by giving a foretaste 2 archaic : GRATIFY 3 : to clothe or cover with or as if with flesh; broadly : to give substance to — usu. used with *out* 4 : to free from flesh ~ vt : to become fleshy — often used with *up* or *out*

flesh and blood n (bef. 12c) 1 : corporeal nature as composed of flesh and of blood 2 : near kindred — used chiefly in the phrase *one's own flesh and blood* 3 : SUBSTANCE, REALITY

fleshed \flēsh(t)/ adj (15c) : having flesh esp. of a specified kind — often used in combination (pink-fleshed) (thick-fleshed)

flesh fly n (14c) : a two-winged fly whose maggots feed on flesh; esp. : any of a family (Sarcophagidae) of flies some of which cause myiasis
flesh-ness \flēsh-ē-nēs/ n (15c) : the state of being fleshy : CORPULLENCE

flesh-ings \flēsh-ingz/ n pl (1838) : material removed in fleshing a hide or skin

fleshy \flēsh-lē/ adj (bef. 12c) 1 a : CORPOREAL, BODILY b : of, relating to, or characterized by indulgence of bodily appetites; esp. : LASCIVIOUS (~ desires) c : not spiritual : WORLDLY 2 : FLESHY, PLUMP 3 : having a sensuous quality (~ art) syn see **CARNAL**
flesh-ment \flēsh-mənt/ n [*flesh*] obs (1605) : excitement associated with a successful beginning

flesh-pot \flēsh-pāt/ n (1592) 1 pl : bodily comfort : LUXURY 2 : a place of lascivious entertainment — usu. used in pl.

flesh wound n (1674) : an injury involving penetration of the body musculature without damage to bones or internal organs

fleshy \flēsh-ē/ adj fleshy-er; -est (14c) 1 a : marked by, consisting of, or resembling flesh b : marked by abundant flesh; esp. : CORPULENT 2 a : SUCCULENT, PULPY (the rich ~ texture of a perfectly ripe melon) b : not thin, dry, or membranous (~ fungi)

fleshy fruit n (1929) : a fruit (as a berry, drupe, or pome) consisting largely of soft succulent tissue

flech \flēch/ vt [back-formation fr. *fletcher*] (1635) : FEATHER (~ an arrow)

fletcher \flēch-ər/ n [ME *fleccher*, fr. OF *flechier*, fr. *fleche* arrow — more at **FLÉCHETTE**] (14c) : a maker of arrows

fleur de coin \flōrd-ə-ˈkōw/ adj [F *à fleur de coin*, lit., with the bloom of the die] (ca. 1889) : being in the preserved mint condition

fleur-de-lis or **fleur-de-lys** \flōrd-ˈlī-ˈē/ *flōrd-ˈlī-ˈē*, *flōrd-ˈlī-ˈē*, *flōrd-ˈlī-ˈē* n, pl *flōrs-de-lis* or *flōrs-de-lys* \flōrd-ˈlī-ˈē(z), *flōrd-ˈlī-ˈē* [ME *flourdelis*, fr. MF *flor de lis*, lit., lily flower] (14c) 1 : IRIS 2 : a conventionalized iris in artistic design and heraldry

fleur-de-lys \flōrd-ˈlī-ˈē/ adj [alter. of ME *flory*, fr. OF *floré*, fr. *flor* flower — more at **FLOWER**] of a heraldic cross (15c) : having the ends of the arms broadening out into the heads of *flōrs-de-lis* — see **CROSS** illustration

flew past of **FLY**

flew \flūz/ n pl [origin unknown] (1575) : the pendulous lateral parts of a dog's upper lip — see **DOG** illustration

flex \flēks/ vb [L *flexus*, pp. of *flectere*] vi (1521) 1 : to bend esp. repeatedly 2 a : to move muscles so as to cause flexion of (a joint) b : to move or tense (a muscle or muscles) by contraction ~ vt : BEND — flex one's muscles : to demonstrate one's strength (an exaggerated need to flex his political muscles — J. P. Lash)

flex n [short for *flexible cord*] chiefly Brit (1905) : electric cord
flex n (ca. 1934) : an act or instance of flexing

flex-ible \flēk-sə-bəl/ adj (15c) 1 : capable of being flexed : PLIANT 2 : yielding to influence : TRACTABLE 3 : characterized by a ready capability to adapt to new, different, or changing requirements (a ~ foreign policy) (~ public transportation) (a ~ schedule) syn see **ELASTIC** — flex-i-bil-ity \flēk-sə-ˈbil-ə-tē/ n — flex-i-bly \flēk-sə-blē/ adv

flex-ile \flēk-səl, -sil/ adj (1633) : FLEXIBLE
flex-ion \flēk-shən/ n [L *flexion*, *flexio*, fr. *flexus*, pp. of *flectere*] (1656)

1 : the act of flexing or bending 2 : a part bent : BEND 3 : INFLECTION 3 4 a : a bending movement around a joint in a limb (as the knee or elbow) that decreases the angle between the bones of the limb at the joint — compare **EXTENSION** 3b b : a forward raising of the arm or leg by a movement at the shoulder or hip joint

flex-og-ra-phy \flēk-səg-rə-fē/ n [flexible + -o- + -graphy] (1954) : a process of rotary letterpress printing using flexible plates and fast-drying inks — flex-og-raph-ic \flēk-sə-ˈgräf-ik/ adj — flex-og-raph-ical-ly \-i-k(ə)-lē/ adv

flex-or \flēk-sər, -sō(s)r/ n (1615) : a muscle serving to bend a body part (as a limb)

flex-time \flēk-stim/ n (1973) : a system that allows employees to choose their own times for starting and finishing work within a broad range of available hours

flex-u-ous \flēksh-(ə)-wəs/ adj [L *flexuosus*, fr. *flexus* bend, fr. *flexus*, pp.] (1605) 1 : having turns or windings 2 : lacking rigidity in structure or action (its ~ and elastic body)

flex-ur-al \flēk-sh(ə)-rəl/ adj (1879) 1 : of, relating to, or resulting from flexure 2 : characterized by flexure

flex-ure \flēk-shər/ n (1592) 1 : the quality or state of being flexed : FLEXION 2 : TURN, BEND, FOLD

fley \flā/ vt [ME *flayen*, fr. OE *āflēgan*, fr. *ā*, perfective prefix + *flēgan* to put to flight] Scot (bef. 12c) : FRIGHTEN

flib-ber-tigib-bet \flib-ər-tē-ˈjib-ət/ n [ME *flepergebet*] (15c) : a silly flighty person — flib-ber-tigib-bet-ty \-ət-ē/ adj

flic \flēk/ n [F] (1899) : a French policeman
flick \flīk/ n [imit.] (15c) 1 : a light sharp jerky stroke or movement 2 : a sound produced by a flick 3 : FLICKER 1

flick vt (1816) 1 a : to strike lightly with a quick sharp motion (~ed the horse with a whip) b : to remove with light blows (~ed an ash off her sleeve) 2 a : to move or propel with or as if with a flick (~ed her hair back over her shoulder) (~ a switch) (~ing cigarette butts into the gutter) b : to activate, deactivate, or change by or as if by flicking a switch (~ on a cigarette lighter) (~ off the radio) ~ vi 1 : to go or pass quickly or abruptly (a bird ~ed by) (~ing through some papers) 2 : to direct flicks at something

flick n [short for *flicker*] (1926) : MOVIE
flick-er \flīk-ər/ vb flick-ered; flick-er-ing \-(ə)-rɪŋ/ [ME *flīkeren*, fr. OE *flīcorian*] vi (bef. 12c) 1 : to move irregularly or unsteadily : FLUTTER 2 : to burn or shine fitfully or with a fluctuating light 3 : to appear briefly ~ vt 1 : to cause to flicker 2 : to produce by flickering — flick-er-ing-ly \-(ə)-rɪŋ-lē/ adv

flicker n (1809) : a common large brightly marked woodpecker (*Colaptes auratus*) of eastern No. America; also : any of several related birds of the southern and western U.S.

semi-nary \sem-ə-ner-ē/ *n.* *pl.* *-nar-ies* [ME. seedbed, nursery, seminary, fr. L. *seminarium*, fr. *semin*, *semen* seed] (15c) 1: an environment in which something originates and from which it is propagated (a ~ of vice and crime) 2: a: an institution of secondary or higher education; esp.: an academy for girls b: an institution for the training of candidates for the priesthood, ministry, or rabbinate
semi-nat-ur-al \sem-i-nach-(ə)-rəl, sem-i- / *adj.* (ca. 1962): modified by human influence but retaining many natural features (~ temperate meadows)
semi-nif-er-ous \sem-ə-nif-(ə)-rəs/ *adj.* [L. *semin*, *semen* seed + E. *-iferous*] (1692): producing or bearing seed or semen
seminiferous tubule *n.* (1860): any of the coiled threadlike tubules that make up the bulk of the testis and are lined with a germinal epithelium from which the spermatozoa are produced
Semi-nole \sem-ə-nōl/ *n.* *pl.* *Seminoles* or *Seminole* [Creek *simaló-ni*, *simalón-li*, lit., wild, fr. AmerSp *cimarrón*] (1789): a member of an American Indian people of Florida
semi-no-mad \sem-i-nō-mad, sem-i- / *n.* (ca. 1934): a member of a people living usu. in portable or temporary dwellings and practicing seasonal migration but having a base camp at which some crops are cultivated — **semi-no-mad-ic** \nō-mad-ik/ *adj.*
semi-nude \ˈnɪjʊd/ *adj.* (1849): partially nude — **semi-nu-dity** \ˈnɪjʊd-ə-ti/ *n.*
semi-offi-cial \sem-ē-ə-ˈfɪʃ-əl, sem-i- / *adj.* (1806): having some official authority or standing — **semi-offi-cial-ly** \ˈfɪʃ-(ə)-lē/ *adv.*
semi-ol-o-gy \se-mē-ˈal-ə-jē, sem-ē-, se-mi- / *n.* [Gk. *semeion* sign] (ca. 1890): the study of signs; esp.: SEMIOTIC — **semi-ol-o-gi-cal** \se-mi-ˈal-i-kəl/ *adj.* — **semi-ol-o-gi-cal-ly** \se-mi-ˈal-i-k(ə)-lē/ *adv.* — **semi-ol-o-gist** \ˈal-ə-jɪst/ *n.*
semi-opaque \sem-ē-ə-ˈpāk, sem-i- / *adj.* (1691): nearly opaque
semi-ol-og-ist \se-mē-ˈal-ə-jɪst, sem-ē-, se-mi- / *n.* [Gk. *semeiōtikos* observation of signs, fr. *semeiōtikos* to observe signs, fr. *semeiōtikos* (ca. 1907): a process in which something functions as a sign to an organism
semi-ol-ic \ˈal-i-k/ or **semi-ol-ic-ist** \-iks/ *n.* *pl.* *semi-ol-ic-ists* [Gk. *semeiōtikos* observant of signs, fr. *semeiōtikos* to interpret signs, fr. *semeiōtikos* sign; akin to Gk. *sema* sign — more at SEMANTIC] (1938): a general philosophical theory of signs and symbols that deals esp. with their function in both artificially constructed and natural languages and comprises syntactics, semantics, and pragmatics — **semi-ol-ic-ian** \-i-ˈan/ *n.* — **semi-ol-ic-ist** \-ist/ *n.*
semi-pal-mated \sem-i-ˈpāl-māt-əd, sem-i-, ˈpāl(l)m-āt- / *adj.* (1785): having the anterior toes joined only part way down with a web (a plover with ~ feet)
semi-par-a-sit-ic \se-par-ə-ˈsɪt-ik/ *adj.* (1878): of, relating to, or being a parasitic plant that contains some chlorophyll and is capable of photosynthesis
semi-per-ma-nent \ˈpɜrm-(ə)-nənt/ *adj.* (ca. 1890): lasting or intended to last for a long time but not permanent
semi-per-me-able \ˈpɜrm-ē-ə-bəl/ *adj.* (1888): partially but not freely or wholly permeable; *specif.*: permeable to some usu. small molecules but not to other usu. larger particles (a ~ membrane) — **semi-per-me-abil-ity** \ˈpɜrm-ē-ə-bil-ə-ti/ *n.*
semi-pol-it-i-cal \ˈpɔ-lit-i-kəl/ *adj.* (1857): of, relating to, or involving some political features or activity
semi-pop-u-lar \ˈpɔp-ya-lər/ *adj.* (1899): somewhat popular
semi-por-ce-lain \ˈpɔr-(ə)-lən, ˈpɔr- / *n.* (1880): any of several ceramic wares resembling or imitative of porcelain; esp.: a relatively high-fired and hard-glazed white earthenware widely used for tableware
semi-por-no-graphic \ˈpɔr-nə-ˈɡraf-ik/ *adj.* (1964): somewhat porno-graphic — **semi-por-no-graph-ic-ity** \ˈpɔr-nə-ˈɡraf-ik-ə-ti/ *n.*
semi-post-al \sem-i-ˈpɔs-(l), sem-i- / *n.* (1927): a postage stamp sold at a premium over its postal value esp. for a humanitarian purpose
semi-pre-cious \ˈpreʃ-əs/ *adj.* of a gemstone (ca. 1890): of less commercial value than a precious stone
semi-private \ˈpri-vət/ *adj.* (ca. 1925): of, receiving, or associated with hospital service giving a patient more privileges than a ward patient but fewer than a private patient
semi-pro \sem-i-prō, sem-i- / *adj.* or *n.* (1908): SEMI-PROFESSIONAL
semi-pro-fes-sion-al \sem-i-prə-ˈfesh-nəl, -ən- / *adj.* (1897) 1: engaging in an activity for pay or gain but not as a full-time occupation 2: engaged in by semiprofessional players (~ baseball) — **semi-pro-fes-sion-al-ly** \-l- / *adv.*
semiprofessional *n.* (ca. 1897): one who engages in an activity (as a sport) semiprofessionally
semi-public \sem-i-pab-lik, sem-i- / *adj.* (1804) 1: open to some persons outside the regular constituency 2: having some features of a public institution; *specif.*: maintained as a public service by a private nonprofit organization
semi-quant-i-ta-tive \ˈkwɒn(t)-ə-ˈtāt-iv/ *adj.* (ca. 1927): constituting or involving less than quantitative precision — **semi-quant-i-ta-tive-ly** *adv.*
semi-qua-ver \sem-i-kwā-vər, sem-i- / *n.* (1576): SIXTEENTH NOTE
semi-re-li-gious \ˈnɪj-əs/ *adj.* (1864): somewhat religious in character
semi-re-tired \ˈnɪ-ti-(ə)r-d/ *adj.* (1937): working only part-time esp. because of age or ill health
semi-re-tire-ment \ˈti-(ə)r-mənt/ *n.* (1923): the state or condition of being semiretired
semi-rigid \sem-i-rɪj-əd, sem-i- / *adj.* (1908) 1: rigid to some degree or in some parts 2: of an airship: having a flexible cylindrical gas container with an attached stiffening keel that carries the load
semi-rural \ˈrʌr-əl/ *adj.* (ca. 1864): somewhat rural
semi-sa-cred \ˈsə-kred/ *adj.* (ca. 1898): SEMIRELIGIOUS
semi-se-cret \ˈse-kret/ *adj.* (1917): not publicly announced but widely known nevertheless
semi-sed-en-tary \ˈsed-n-ter-ē/ *adj.* (ca. 1930): sedentary during part of the year and nomadic otherwise (~ tribes)
semi-shrub \ˈsem-i-shrəb-ē, sem-i-, esp. Southern -sɹəb- / *adj.* (1930): resembling or being a shrub
semi-skilled \sem-i-skild, sem-i- / *adj.* (1916): having or requiring less training than skilled labor and more than unskilled labor
semi-soft \ˈsɒft/ *adj.* (ca. 1903): moderately soft; *specif.*: firm but easily cut (~ cheese)
semi-solid \ˈsæl-əd/ *adj.* (1834): having the qualities of both a solid and a liquid; highly viscous — **semisolid** *n.*
semi-sweet \ˈswet/ *adj.* (1943): slightly sweetened (~ chocolate)

semi-syn-thet-ic \sin-ˈthet-ik/ *adj.* (1937) 1: produced by chemical alteration of a natural starting material (~ penicillins) 2: containing both chemically identified and complex natural ingredients (a ~ diet)
Sem-ite \sem-īt, esp. Brit. ˈse-mīt/ *n.* [F. *sémite*, fr. *Sem* Shem, fr. L. *Sem*, fr. Heb. *Shēm*] (1875): a member of any of a group of peoples of southwestern Asia chiefly represented now by the Jews and Arabs but in ancient times also by the Babylonians, Assyrians, Aramaeans, Canaanites, and Phoenicians
semi-ter-res-trial \sem-i-tə-ˈres-trē-əl, sem-i-, ˈres(h)-chəl/ *adj.* (1917) 1: growing on boggy ground 2: frequenting but not living wholly on land
Sem-it-ic \sə-ˈmit-ik/ *adj.* [G. *semitisch*, fr. *Semit*, *Semite* Semite, prob. fr. NL *Semita*, fr. LL *Sem Shem*] (1826) 1: of, relating to, or characteristic of the Semites; *specif.*: JEWISH 2: of, relating to, or constituting a subfamily of the Afro-Asiatic language family that includes Hebrew, Aramaic, Arabic, and Ethiopic
Semitic *n.* (1875): any or all of the Semitic languages
Sem-it-ic-ist \sə-ˈmit-ə-sɪst/ *n.* (1956): SEMITIST
Sem-it-ics \ˈmit-iks/ *n.* *pl.* but *sing* in constr. (1895): the study of the language, literature, and history of Semitic peoples; *specif.*: Semitic philology
Sem-i-tism \sem-ə-tiz-əm/ *n.* (1851) 1: a Semitic character or quality 2: a characteristic feature of a Semitic language occurring in another language 3: policy favorable to Jews: predisposition in favor of Jews
Sem-i-tist \ˈst-əst/ *n.* (1885) 1: a scholar of the Semitic languages, cultures, or histories 2: often not cap.: a person favoring or disposed to favor the Jews
Sem-ton-al \sem-i-tōn-əl, sem-i- / *adj.* (1863): CHROMATIC 3a, SEMI-TONIC — **semi-ton-al-ly** \-l- / *adv.*
Sem-tone \sem-i-tōn, sem-i- / *n.* (1609): the tone at a half step; also HALF STEP — **semi-ton-ic** \sem-i-tān-ik, sem-i- / *adj.* — **semi-ton-ic-ally** \-l- / *adv.*
Semi-trail-er \sem-i-trā-lər, sem-i- / *n.* (1919) 1: a freight trailer that when attached is supported at its forward end by the fifth wheel device of the truck tractor 2: a trucking rig made up of a tractor and a semi-trailer
Semi-trans-lu-cent \sem-i-tran(t)s-ˈlūs-nt, sem-i-, ˈtranz- / *adj.* (1832): somewhat translucent
Semi-trans-par-ent \ˈtran(t)s-ˈpar-ənt, ˈper- / *adj.* (1793): imperfectly transparent
Semi-trop-ic-al \ˈtrāp-i-kəl/ also **semi-trop-ic-ic** \-ik/ *adj.* (1860): SUBTROPICAL
Semi-trop-ics \-iks/ *n.* *pl.* (1908): SUBTROPICS
Semi-vow-el \sem-i-vau-(ə)-l/ *n.* (1530) 1: one of the glides (as English *ai*, *au*, *oi*, *ou*) 2: a letter representing a semivowel
Semi-week-ly \sem-i-wē-klē, sem-i- / *adj.* (1791): occurring twice a week — **semi-weekly** *adv.*
Semi-weekly *n.* (1833): a semiweekly publication
Semi-works \sem-i-wɜrks, sem-i- / *n.* *pl.* often attrib. (1926): a manufacturing plant operating on a limited commercial scale to provide final tests of a new product or process
Semi-year-ly \sem-i-jɪ-(ə)r-lē, sem-i- / *adj.* (1928): occurring twice a year
Sem-ol-i-na \sem-ə-ˈlē-nə/ *n.* [It. *semolino*, dim. of *semola* bran, fr. L. *simila* finest wheat flour] (1797): the purified middlings of hard wheat (as durum) used esp. for pasta (as macaroni or spaghetti)
Sem-per-vi-vum \sem-pər-vi-vəm/ *n.* [NL, fr. L. neuter of *sempervivus* ever-living, fr. *semper* ever, *vivus* living — more at QUICK] (ca. 1591): any of a large genus (*Sempervivum*) of Old World fleshy herbs of the orpine family often grown as ornamentals
Sem-pi-ter-nal \sem-pi-ˈtɜrn-əl/ *adj.* [ME, fr. LL *sempiternalis*, fr. L. *sempiternus*, fr. *semper* ever, *always*, fr. *semp* — same (akin to ON *samr* same) + *per* through — more at SAME, FOR] (15c): of never-ending duration: ETERNAL — **semi-pi-ter-nal-ly** \-l- / *adv.*
Sem-pi-ter-nity \ˈtɜrn-ə-ni-ti/ *n.* (1599): ETERNITY
Sem-ple \ˈsem-pəl/ *adj.* [alter. of simple] Scot. (1759): of humble birth
Sem-ple-ic \ˈsem-pli-ˈchəl/ *adj.* or *adv.* [It, fr. L. *simplicis*, *simplex* — more at SIMPLE] (ca. 1740): SIMPLE — used as a direction in music
Sem-pre \ˈsem-(p)rə/ *adv.* [It, fr. L. *semper*] (ca. 1801): ALWAYS — used in music directions (~ legato)
Sem-stress \sem(p)-ˈstrəs/ *var.* of SEAMSTRESS
sen \sen/ *n.* *pl.* *sen* [Jp.] (1727) — see *yen* at MONEY table
sen *n.* *pl.* *sen* [Indonesian *sen*, prob. fr. E cent] (1951) — see *rupiah* at MONEY table
sen *n.* *pl.* *sen* [prob. fr. Indonesian *sen*] (1954) — see *dollar*, *riel* at MONEY table
sen *n.* *pl.* *sen* [Malay, prob. fr. E cent] (1967) — see *ringgit* at MONEY table
se-nar-i-us \si-ˈnar-ē-əs, ˈner- / *n.* *pl.* *se-nar-ii* \-ē-i, -ē-ē/ [L., fr. *senarius* consisting of six each, fr. *seni* six each, fr. *sex* six — more at SIX] (1540): a verse consisting of six feet esp. in Latin prosody
se-nar-y \ˈsen-ə-rē, ˈsen- / *adj.* [L. *senarius* consisting of six] (1661): of, based on, or characterized by six: compounded of six things or six parts (~ scale) (~ division)
sen-ate \ˈsen-ət/ *n.* [ME *senat*, fr. OF, fr. L. *senatus*, lit., council of elders; fr. *sen*, *senex* old, old man — more at SENIOR] (13c) 1: an assembly, or council usu. possessing high deliberative and legislative functions; as a: the supreme council of the ancient Roman republic and empire b: the second chamber in the bicameral legislature of a major political unit (as a nation, state, or province) 2: the hall or chamber in which a senate meets 3: a governing body of some universities charged with maintaining academic standards and regulations and usu. composed of the principal or representative members of the faculty
sen-a-tor \ˈsen-ət-ər, as a title also ˈsen-tər/ *n.* [ME *senatour*, fr. OF *senateur*, fr. L. *senator*, fr. *senatus*] (13c): a member of a senate
sen-a-tor-i-al \ˈsen-ət-ər-ē-əl, ˈtɔr- / *adj.* (1740): of, relating to, or befitting a senator or a senate (~ office) (~ rank)
senatorial courtesy *n.* (1884): a custom of the U.S. Senate of refusing to confirm a presidential appointment of an official in or from a state when the appointment is opposed by the senators or senior senator of the president's party from that state
senatorial district *n.* (1829): a territorial division from which a senator is elected — compare CONGRESSIONAL DISTRICT

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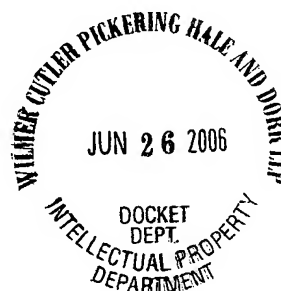
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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.120	5202
23483	7590	06/21/2006	EXAMINER	
WILMER CUTLER PICKERING HALE AND DORR LLP 60 STATE STREET BOSTON, MA 02109			LUONG, VINH	
			ART UNIT	PAPER NUMBER
			3682	

DATE MAILED: 06/21/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

WILMER CUTLER PICKERING
HALE and DORR LLP DOCKETING
RE: 114089-120 (US)
Action Date: 6-30-06
Action to be Taken: DIADUE
Docketed By: SMB On: 6-26-06



**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/727,306

Applicant(s)

WILSON, DOUGLAS B.

Examiner

Vinh T. Luong

Art Unit

3682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 12 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☒ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☒ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☒ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: See Continuation Sheet. (See 37 CFR 1.116 and 41.33(a)).


4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☒ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 14-19, 24/14, 27.
Claim(s) withdrawn from consideration: 20-23, 24/20, 25, 26, 28.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____
13. ☐ Other: _____


Vinh T. Luong
Primary Examiner

Continuation of 3. NOTE: The amendment in the specification raises new issues, e.g., new objections to the specification and the drawings would be required because the specification and the drawings are inconsistent with each other. Applicant's amended specification, pages 5 and 6, etc., describes the angles 316, 516, etc., however, Figs. 3 and 5 do not show the reference characters 316, 516, etc. Applicant's corrected drawings have not been received.

Continuation of 11. See the reasons set forth in the rejections in final Office action on March 30, 2006. In addition, with respect to:

(a) Applicant's reliance on extrinsic evidence, such as, Webster's Dictionary, the Examiner respectfully submits that the specification is the single best guide to the meaning of a claim term. *Phillips v. AWH Corp.*, 415 F.3d 1303, 1315 [75 USPQ2d 1321](Fed. Cir. 2005)(en banc). See also, e.g., the meaning of the term "adjustable" in *Curtiss-Wright Flow Control Corp. v. Velan Inc.*, 77 USPQ2d 1988 (Fed. Cir. 2006); and

(b) Applicant's arguments on pages 10-16 of the instant Amendment, these arguments are similar to the arguments presented in copending Application No. 10720821, please see the Examiner's response in the final rejection on May 9, 2006 of the copending Application No. 10720821.



Vinh T. Luong
Primary Examiner

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/727,306

Examiner

Vinh T. Luong

Applicant(s)

WILSON, DOUGLAS B.

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 12 June 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☒ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☒ C. Other See Continuation Sheet.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a Quayle action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a Quayle action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Vinh T. Luong

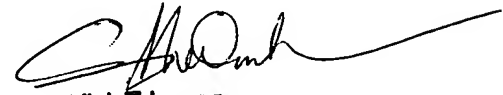
Primary Examiner

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 3(c) Other: Applicant's corrected drawings mentioned on page 8 of the above Amendment have not been received.

Continuation of 4(e) Other: Each claim has not been provided with the proper status identifier. For example, Applicant identified claims 20-23 as "Previously Added," however, these claims 20-23 are withdrawn as being drawn to a nonelected species, thus, they should have been identified as "Withdrawn".



Vinh T. Luong
Primary Examiner



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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/727,306	12/03/2003	Douglas B. Wilson	114089.120	5202

23483 7590 07/14/2006

WILMER CUTLER PICKERING HALE AND DORR LLP
60 STATE STREET
BOSTON, MA 02109

EXAMINER

LUONG, VINH

ART UNIT

PAPER NUMBER

3682

DATE MAILED: 07/14/2006

Please find below and/or attached an Office communication concerning this application or proceeding.



WILMER CUTLER PICKERING
HALE and DORR LLP DOCKETING
RE: 114089.120/641
Action Date: _____
Action to be Taken: _____
Docketed By: BWB On: 7-8-06

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/727,306

Applicant(s)

WILSON, DOUGLAS B.

Examiner

Vinh T. Luong

Art Unit

3682

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 26 June 2006 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☒ The period for reply expires 3 months from the mailing date of the final rejection.
b) ☐ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).

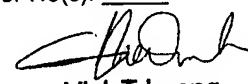
4. ☒ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☐ Applicant's reply has overcome the following rejection(s): _____.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☒ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☒ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: 14-19, 24/14, 27.
Claim(s) withdrawn from consideration: 20-23, 14/20, 25, 26, 28.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☐ Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s). _____.
13. ☒ Other: See Continuation Sheet.


Vinh T. Luong
Primary Examiner

Continuation of 11.

See the reasons set forth in the final Office action on March 30, 2006. In addition, regarding Applicant's reliance on extrinsic evidence, e.g., Webster's Dictionary, the Examiner respectfully submits that the specification is the single best guide to the meaning of a claim term. *Phillips v. AWH Corp.*, 75 USPQ2d 1321 (Fed. Cir. 2005)(en banc). Moreover, Applicant's arguments are similar to the arguments presented in copending Application No. 10720821, the Examiner's response in the final rejection on May 9, 2006 of Appl.'821 is incorporated herein by reference.

Continuation of 13. Other:

The replacement drawings filed on June 26, 2006 are accepted by the Examiner.



Vinh T. Luong
Primary Examiner

**Notice of Non-Compliant
Amendment (37 CFR 1.121)**

Application No.

10/727,306

Examiner

Vinh T. Luong

Applicant(s)

WILSON, DOUGLAS B.

Art Unit

3682

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

The amendment document filed on 26 June 2006 is considered non-compliant because it has failed to meet the requirements of 37 CFR 1.121 or 1.4. In order for the amendment document to be compliant, correction of the following item(s) is required.

THE FOLLOWING MARKED (X) ITEM(S) CAUSE THE AMENDMENT DOCUMENT TO BE NON-COMPLIANT:

- ☐ 1. Amendments to the specification:
- ☐ A. Amended paragraph(s) do not include markings.
 - ☐ B. New paragraph(s) should not be underlined.
 - ☐ C. Other _____.
- ☐ 2. Abstract:
- ☐ A. Not presented on a separate sheet. 37 CFR 1.72.
 - ☐ B. Other _____.
- ☐ 3. Amendments to the drawings:
- ☐ A. The drawings are not properly identified in the top margin as "Replacement Sheet," "New Sheet," or "Annotated Sheet" as required by 37 CFR 1.121(d).
 - ☐ B. The practice of submitting proposed drawing correction has been eliminated. Replacement drawings showing amended figures, without markings, in compliance with 37 CFR 1.84 are required.
 - ☐ C. Other _____.
- ☒ 4. Amendments to the claims:
- ☐ A. A complete listing of all of the claims is not present.
 - ☐ B. The listing of claims does not include the text of all pending claims (including withdrawn claims)
 - ☒ C. Each claim has not been provided with the proper status identifier, and as such, the individual status of each claim cannot be identified. Note: the status of every claim must be indicated after its claim number by using one of the following status identifiers: (Original), (Currently amended), (Canceled), (Previously presented), (New), (Not entered), (Withdrawn) and (Withdrawn-currently amended).
 - ☐ D. The claims of this amendment paper have not been presented in ascending numerical order.
 - ☒ E. Other: See Continuation Sheet.
- ☐ 5. Other (e.g., the amendment is unsigned or not signed in accordance with 37 CFR 1.4):

For further explanation of the amendment format required by 37 CFR 1.121, see MPEP § 714.

TIME PERIODS FOR FILING A REPLY TO THIS NOTICE:

1. Applicant is given **no new time period** if the non-compliant amendment is an after-final amendment or an amendment filed after allowance. If applicant wishes to resubmit the non-compliant after-final amendment with corrections, the **entire corrected amendment** must be resubmitted.
2. Applicant is given **one month**, or thirty (30) days, whichever is longer, from the mail date of this notice to supply the correction, if the non-compliant amendment is one of the following: a preliminary amendment, a non-final amendment (including a submission for a request for continued examination (RCE) under 37 CFR 1.114), a supplemental amendment filed within a suspension period under 37 CFR 1.103(a) or (c), and an amendment filed in response to a *Quayle* action. If any of above boxes 1. to 4. are checked, the correction required is only the **corrected section** of the non-compliant amendment in compliance with 37 CFR 1.121.

Extensions of time are available under 37 CFR 1.136(a) only if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action.

Failure to timely respond to this notice will result in:

Abandonment of the application if the non-compliant amendment is a non-final amendment or an amendment filed in response to a *Quayle* action; or

Non-entry of the amendment if the non-compliant amendment is a preliminary amendment or supplemental amendment.

Vinh T. Luong

Primary Examiner

Legal Instruments Examiner (LIE), if applicable

Telephone No.

Continuation of 4(e) Other: Each claim has not been provided with the proper status identifier. For example, claims 20-23 are withdrawn, however, Applicant identified these claims as "Previously Added."

A handwritten signature in black ink, appearing to read 'Vinh T. Luong', followed by a long horizontal line extending to the right.

Vinh T. Luong
Primary Examiner

PTO/SB/21 (09-04)

Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

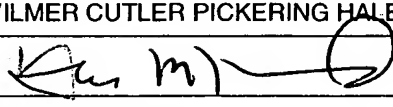
Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

TRANSMITTAL FORM <i>(to be used for all correspondence after initial filing)</i>	Application Number	10/727306-Conf. #5202	
	Filing Date	December 3, 2003	
	First Named Inventor	Douglas B. WILSON	
	Art Unit	3682	
	Examiner Name	V. Luong	
Total Number of Pages in This Submission	19	Attorney Docket Number	0114089.00121US1

ENCLOSURES (Check all that apply)

<input type="checkbox"/> Fee Transmittal Form <input type="checkbox"/> Fee Attached <input type="checkbox"/> Amendment/Reply <input type="checkbox"/> After Final <input type="checkbox"/> Affidavits/declaration(s) <input type="checkbox"/> Extension of Time Request <input type="checkbox"/> Express Abandonment Request <input type="checkbox"/> Information Disclosure Statement <input type="checkbox"/> Certified Copy of Priority Document(s) <input type="checkbox"/> Reply to Missing Parts/Incomplete Application <input type="checkbox"/> Reply to Missing Parts under 37 CFR 1.52 or 1.53	<input type="checkbox"/> Drawing(s) <input type="checkbox"/> Licensing-related Papers <input type="checkbox"/> Petition <input type="checkbox"/> Petition to Convert to a Provisional Application <input type="checkbox"/> Power of Attorney, Revocation Change of Correspondence Address <input type="checkbox"/> Terminal Disclaimer <input type="checkbox"/> Request for Refund <input type="checkbox"/> CD, Number of CD(s) _____ <input type="checkbox"/> Landscape Table on CD	<input type="checkbox"/> After Allowance Communication to TC <input type="checkbox"/> Appeal Communication to Board of Appeals and Interferences <input type="checkbox"/> Appeal Communication to TC (Appeal Notice, Brief, Reply Brief) <input type="checkbox"/> Proprietary Information <input type="checkbox"/> Status Letter <input checked="" type="checkbox"/> Other Enclosure(s) (please identify below): Amendment and Response to Notice of Non-Compliant Amendment Post Card
Remarks		

SIGNATURE OF APPLICANT, ATTORNEY, OR AGENT

Firm Name	WILMER CUTLER PICKERING HALE AND DORR LLP		
Signature			
Printed name	Wayne M. Kennard		
Date	7/31/06	Reg. No.	30,271

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Dated: 7/31/06 Signature:  (Jody Begley)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of: Wilson

Examiner: Vinh Luong

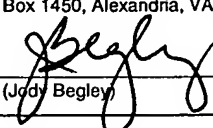
Serial No.: 10/727,306

Art Unit: 3682

Filing Date: December 3, 2003

Attorney Docket No.: 114089-120

For: **FATIGUE RELIEVING SUPPORT FOR STEERING WHEELS AND
THE LIKE**

I hereby certify that this paper (along with any paper referred to as being attached or enclosed) is being deposited with the U.S. Postal Service on the date shown below with sufficient postage as First Class Mail, in an envelope addressed to: Mail Stop AF, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.	
Dated: <u>7/31/06</u>	Signature: <u></u> (Jody Begley)

Mail Stop AF
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

**AMENDMENT AND RESPONSE
TO NOTICE OF NON-COMPLIANT AMENDMENT**

Sir:

Applicants submit the following timely response to the Notice of Non-Compliant Amendment mailed July 14, 2006. Please amend the application as provided below.

This Response places the application and the claims therein, in condition for allowance.

In this Response, the amendments to the specification begin on page 2.

The amendments to the claims begin on page 5.

The Remarks begin on page 8.

Specification:

Page 2, please rewrite the third full paragraph as follows:

The system of the present invention will include at least one part that extends outward at an angle from a plane across the face of the steering wheel or vehicular control. This part is at least partially deformable in at least one direction, so that the system will not interfere with the operation of the wheel or control. This deformability, however, will not impede the support function of the system on the invention. Furthermore, the deformable material has memory, so that after a deforming force is removed, it resumes its original predeformation configuration and shape, which is extending outward at an angle from a plane across the face of the steering wheel or vehicular control.

Page 3, please rewrite the seventh full paragraph as follows:

Deformable material second section 102 extends outward from steering control 105 over a predetermined section of the steering control, which is shown in Figure 1 to be an arc. As is better shown in Figure 3, a deformable second section such as 102 extends outward at an angle from a plane across the face of a steering control such as 105. Deformable second section 102 may extends outward from the steering control at or below the inside circumference of the control over the predetermined arc. This arc will typically include at least the ten 104 and two 106 o'clock positions, or may include the entire circumference.

Page 4, please rewrite the fourth and fifth full paragraphs as follows:

The first system of the present invention at 202 includes first section 204 that connects to steering control 211 and second section 205 that extends outward from first section 204. Further, a second section such as 205 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 204 may be rigid, semi-rigid, or deformable, while second section 205 is deformable. If the first section is deformable, it may have memory.

Similarly, the second system of the present invention at 203 includes first section 207 that connects to steering control 211 and second section 209 that extends outward

from first section 207. Further, a second section such as 209 extends outward at an angle from a plane across the face of a steering control such as 211 (see Figure 3). First section 207 may be rigid, semi-rigid, or deformable, while second section 209 is deformable. Again, if the first section is deformable, it may have memory. Further, second sections 205 and 209 may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

Page 5, please rewrite second full paragraph as follows:

Referring to Figure 3, generally at 300, steering control 305 is shown that includes rim 308, spokes 310, and steering column 312. First section 301 is formed integral with rim 308 and deformable second section 302 extends outward from the first section. As is shown, second section 302 extends outward at angle 316 from plane 318 across the face of steering control 305. The material of second section 302 has sufficient strength that when driving, the driver may rest his/her wrists or portions of the hands 322 on the material and they will be supported. The structure is such that the weight of the arms and hands through the wrists or portions of the hands are supported without the material deforming.

Page 6, please rewrite the second and third full paragraphs as follows:

Referring to Figure 5, generally at 500, a second embodiment of the present invention is shown. System 501 of the present invention shown in Figure 5 includes a first section 502 that detachably connects to steering control rim. Deformable second section 503 connects to, and extends outwardly from, first section 502. As is shown, deformable second section 503 extends outward at angle 516 from plane 518 across the face of steering control rim 508. First section 502 may snap-on or otherwise attach to the steering control such that it may appear integral with the steering control. One of many possible known means for accomplishing this is by first section 502 being mostly rigid, and leaving a space 507 so the attachment can be forced over rim 508 and leave room for the steering control spokes 510. Regardless of the means for attachment, once first section 502 is attached to the steering control, it will provide all of the benefits that have been described for the first section being integrally formed with the rim. Additionally,

the second embodiment, may be a single structure with a single resting material support, a single structure with multiple resting supports, or multiple structures each with its own resting support. As in the other embodiments, the second section may be rigid, semi-rigid or flexible, or non-deformable and still be within the scope of the present invention.

By way of example, Figure 6, generally at 600, shows another alternate method to attach the system of the present invention to steering control rim 608. The system in this figure has first section 602 that will envelop rim 608. First section 602 may be made from a flexible material. First section 602 may have a slit 611, which after this section envelops the rim, may be stitched shut by stitches 613. As in the other embodiments of the present invention, deformable second section 603 connects to, and extends outwardly from, first section 602. Further, a deformable second section such as 603 extends outward at an angle from a plane across the face of a steering control rim such as 608 (see Figures 3 and 5). Again, the second section may be rigid, semi-rigid, or non-deformable and still be within the scope of the present invention.

In the Claims

1-13. (Cancelled)

14. (Previously Presented) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

a first section that connects to a peripheral portion of the steering wheel; and
a rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from the first section at the peripheral portion of the steering wheel, the second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, the second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operate the steering wheel when pressure from the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel.

15. (Currently Amended) The apparatus as recited in claim 14, wherein the steering wheel includes a the steering wheel for controlling at least a nautical vessel, aircraft, or ground transportation vehicle.

16. (Previously Presented) The apparatus as recited in claim 14, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

17. (Currently Amended) The apparatus as recited in claim 14, wherein the first section extends a predetermined length of a ~~predetermined~~ the peripheral portion of the steering wheel.

18. (Previously Presented) The apparatus as recited in claim 14, wherein the second section includes at least two second sections that each connect to the first section at separate locations.

19. (Previously Presented) The apparatus as recited in claim 17 or 18, wherein the first section is deformable.

20. (Withdrawn) A fatigue relieving/preventing apparatus associated with a steering wheel for controlling a vehicle, comprising:

at least two discrete first sections that each connect to a peripheral portion of the steering wheel, and

a discrete rigid, semi-rigid or flexible, or non-deformable second section that connects to, and extends from each first section at a peripheral portion of the steering wheel, each second section extends from the first section outward at an angle to a plane across a front face of the steering wheel, each second section for supporting at least a portion of a vehicular operator's body when pressure from the portion of the vehicular operator's body on the second section is less than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel, and deforming out of interference with the vehicular operator's ability to operator the steering wheel when pressure form the portion of the vehicular operator's body on the second section is equal to or greater than the pressure for deforming the second section out of interference with the vehicular operator's ability to operate the steering wheel..

21. (Withdrawn) The apparatus as recited in claim 20, wherein the steering wheel includes a steering wheel for controlling at least a nautical vessel, aircraft or ground transportation vehicle.

22. (Withdrawn) The apparatus as recited in claim 20, wherein the portion of the body supported by the second section includes at least a forearm, wrist, or hand.

23. (Withdrawn) The apparatus as recited in claim 20, wherein the apparatus is adjustable for supporting different sizes or types of body portions.

24. (Currently Amended) The apparatus as recited in claim 14 ~~or 20~~, wherein each first section is formed integral with the steering wheel.

25. (Withdrawn) The apparatus as recited in claim 14 or 20, wherein each first section is detachable from the steering wheel.

26. (Withdrawn) The apparatus as recited in claim 20, wherein each first section is deformable.

27. (Previously Presented) The apparatus as recited in claim 14, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

28. (Withdrawn) The apparatus as recited in claim 20, wherein the first section is flexible, rigid, or semi-rigid, or non-deformable.

Remarks

I. Introduction

This Amendment supersedes the amendment mailed June 26, 2006, and is responsive to the notice of non-compliant amendment.

Claims 14-19, 24/14, and 27 are pending in the present application. The Examiner has recited several grounds for objecting to and rejecting the present application. Examiner objected to the drawings for not including representations to the angular disposition of second section of the fatigue/relieving apparatus. In view of this objection to the drawings, the Examiner objected to the specification. The Examiner also has objected to claims 14-19, 24/14, and 27 for indefiniteness under 35 U.S.C. 112, second paragraph. Lastly, the Examiner rejected pending claims 14-19, 24/14 and 27 under 35 U.S.C. 102(b) for anticipation based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; or Laubach, U.S. Patent No. 1,575,848. Applicant will demonstrate herein that the objections and rejections have been overcome by this Response, thereby placing the present application in condition for allowance.

II. The Corrected Drawings Overcome the Examiner's Objection

On page 3 of the Office Action, the Examiner objected to the drawings because "each part of the invention, e.g., the angle and the face in claim 14 should be designated by a reference numeral or character." Applicant has corrected the drawings as requested by the Examiner (Attachment B). Applicant respectfully submits six (6) Replacement Sheets of drawings. These changes to the drawings do not add new matter. As such, Applicant has traversed the Examiner's basis for objection to the drawings.

III. The Specification, As Amended, Overcome the Examiner's Objection

On page 4 of the Office Action, the Examiner objected to the specification for "failing to provide proper antecedent basis for the claimed the subject matter, such as, 'an angle,' in claim 14." Applicant has amended the specification to overcome this objection.

These amendments do not add new matter. Therefore, this objection should be withdrawn.

IV. The Claims, As Amended Are Definitive.

On page 3 of the Office Action, the Examiner contends that the terms “rigid,” “semi-rigid,” “flexible,” or “non-deformable” in claims 14 and 17 are indefinite. Applicant submits that these terms would be understood by a person of ordinary skill in the art in light of the present invention.

The Examiner contends that 14 and 17 are indefinite under 35 U.S.C. §§ 112, second paragraph, because of the recitation of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” In particular, the Examiner asserts that these terms are indefinite because these terms “[are] not defined by the claim, the specification does not provide a standard for the requisite degree, and one of ordinary skill in the art would not be reasonably apprised of the scope of the invention.” Further, the Examiner contends that “it is unclear what range of Rockwell hardness of the material of the second section is required in order to be considered as terms “rigid,” semi-rigid, or flexible, or non-deformable.” Applicant submits that the claims are definite as will be shown.

Claims 14 and 17, include the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable.” Applicant has attached as Attachment A excerpts from the Ninth New Collegiate Dictionary. These excerpts demonstrate that each of the terms that the Examiner has contended is indefinite is a very common term that a person of ordinary skill in the art would understand with sufficiency to make and use the present invention. The attached excerpts make plain that a person of ordinary skill in the art would clearly understand the scope of the claims when “rigid,” “semi-rigid,” or “flexible,” or “non-deformable,” is used. As such, claims 14 and 17 would be definite in the hands of a person of ordinary skill in the art. Noting this, Applicant overcomes the Examiner’s indefiniteness rejection under 35 U.S.C. § 112, second paragraph, as to the use of the terms “rigid,” “semi-rigid,” “flexible,” and “non-deformable,” and respectfully requests that this rejection be withdrawn with regard to claims 14 and 19.

The Examiner also rejected claims 15 and 17 for allegedly having no anticipated basis for the terms “a steering wheel” and “a peripheral portion of the steering wheel,”

respectively. Applicant has amended the claims to remove any possible confusion on the part of the Examiner with regard to overcoming this obviousness rejection.

Noting the foregoing, Applicant has traversed each of the Examiner's basis for rejecting the claims for indefiniteness under 35 U.S.C. 112, second paragraph.

V. Claims 14-19 Are Not Anticipated Under 35 § U.S.C. 102(b)

Claims 14-19, 24/14 and 27 are pending in the present application. In the current Office Action, claims 14-19, 24-14 and 27 have been rejected by the Examiner for anticipation under 35 U.S.C. § 102 (b) based on a three references. These references are U.S. Patent No. 1,575,848 to Laubach ("Laubach"), U.S. Patent No. 2,118,540 to Van Arsdel ("Van Arsdel"), and U.S. Patent No. 2,134,020 to Anson ("Anson"). More specifically, the Examiner relied on Van Arsdel or Anson for rejecting claims 14-17, 19/17, 24/14 and 27; and Laubach for rejecting claims 14, 18 and 19/18. Hereinafter, Applicant will demonstrate that claims 14-19, 24/14, and 27, as presently amended, place the present application in condition for allowance and the application should be passed to issue.

A. Applicable Law

In order for there to be anticipation under 35 U.S.C. §102, a single prior art reference must show each and every feature of the claimed invention in the same way. . *Brown v. 3M*, 265 F.3d 1349, 1351 (Fed. Cir. 2001) ("To anticipate, every limitation of the claimed invention must be found in a single prior art reference, arranged as in the claim"); *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565, 1571 (Fed. Cir. 1986) ("absence from the reference of any claimed element negates anticipation"). Applicant submits that neither Van Arsdel, Anson, nor Laubach satisfy this standard for finding anticipation under 35 U.S.C. § 102(b).

B. Van Arsdel Does Not Anticipate Claims 14-19, 24/14, and 27

Claim 14 is an independent claim and claims 15-19, 24/14, and 27 depend from claim 14. As such, claims 15-19, 24/14, and 27 add features to claim 20.

In relying on Van Arsdel, the Examiner does not cite to any descriptions of the auto steering wheel handgrip disclosed in this reference but annotates the drawings for this purpose. Specifically, the Examiner annotated Figures 3 and 5 in an attempt to show

what is being claimed in claim 14. The Examiner states that reference no. 4 equates to the first section and reference no. 2 equates to the second section of claim 14. Applicant submits that the Examiner fails to consider and appreciate all of the elements of the second section because if he did, two things would be clear (i) the grip-rest is in a plane parallel with the one across the face of the steering wheel and (ii) there is a missing element.

Van Arsdel at column 2, lines 13-54 states:

The grip-rest 2 is concave longitudinally and about half of the rest extends over and part way across the steering wheel rim 3 in a manner to slope downwardly and inwardly of the rim. The outer edge 4 on the side, and 5 of the rear end of the concave, located above the rim, extends up into a marginal flange to be contacted by the inside of the ball of the thumb or by the bottom of the hand, depending upon which part of the hand is seated on the rest. These flanges 4 and 5 enable the operator instantly to feel any deviation of the car from a straight course and gives him something substantial to push against in resistance and also in rotating the wheel to steer the car around corners and curves and away from obstructions or bad places in the roadway.

The rotation of the steering wheel by hand pressure against the flanges 4 and 5 is assisted by the palm and fingers, which are wrapped around the rim of the wheel, and increase the fingerhold [on] the grip-rest 2, which is thickened and bifurcated to straddle the rim as shown in Fig. 6, is provided with recesses separated by ridges, here shown as three in number, 6, 7, and 8.... [See Figure 4]

The weight of the hand and arm are comfortably supported with the bottom of the hand resting in the concavity of the grip-rest as shown in Fig. 1, or with the ball of the thumb seated in the concavity as shown in Fig. 2....

My improved grip-rest may be formed integral with the rim of the steering wheel as shown in Fig. 8, but I prefer to make it removable as an attachment for any make of car and also to make it adjustable to suit the requirements or fancy of the driver. [Emphasis added]

A review of Figures 3 and 5, as annotated by the Examiner, attempts to show that the grip-rest of Van Arsdel is disposed outward at an angle α to a plane across the face of the steering wheel shows that the Examiner's position is misplaced. As the description above from Van Arsdel indicates, the grip-rest is disposed as shown in Figure 6 parallel to the plane across the face of the steering wheel not at angle to it. This is very clear because in each disposition of the grip-rest in the Figures, it is fixed in this parallel plane

to support the thumb or part of the palm. It is also fixed so that it is not deformable so the driver can put extensive pressure on it (and it will not move) for steering the automobile (See underscored sections in the quotation above).

If the grip-rest were supposed to be at an angle commensurate with the present invention as the Examiner contends, its disposition would be shown differently in the drawings. As such, there is not support for the Examiner's contention that the grip-rest is disposed other than in the plane parallel to the plane across the form of the steering wheel. Accordingly, one skilled in the art would not understand the grip-rest in Van Arsdel to be disposed as the Examiner contends.

There is also no support in the description of the grip-rest in Van Arsdel that it will deform in any way out of interference with the operation of the steering wheel. Applicant submits he is justified in taking this position given the description of the connection of the grip-rest as shown in Figure 6 or the integrally formed grip-rest shown in Figure 8. Therefore, the grip-rest of Van Arsdel would not anticipate the invention as set forth in claim 14 because it is missing at least one element, i.e., Van Arsdel at least does not teach or suggest the features of the second section being deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Noting in the foregoing, Applicant has demonstrated that the auto steering wheel grip-rest of Van Arsdel does not anticipate (or render obvious) the invention of claim 14. Accordingly, Applicant respectfully requests that the anticipation rejection based on Van Arsdel be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Van Arsdel for the same reasons that claim 14 is not anticipated by this patent. Thus, Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

C. Anson Does Not Anticipate Claims 14-17, 19/17, 24/14, and 27

The Examiner has rejected claims 14-17, 19/17, 24/14, and 27 for anticipation based on Anson. Referring to the Figures of Anson, the Examiner states that reference

no. 13 equates to the first section and reference no. 11 equates to the second section of claim 14. The Examiner has annotated Figure 8 to indicate that the steering wheel attachment of Anson is disposed at an angle α with respect to a plane across the face of the steering wheel. Before addressing the Examiner's basis of rejection, Applicant submits that the description of the steering wheel attachment of Anson is germane to the Examiner's position on anticipation. Applicant also submits that if this description is taken into consideration, the Examiner should withdraw the anticipation rejection based on Anson.

In the description of the purpose of the steering wheel attachment in Anson, the patent states (Page 1, left column, lines 6-25):

I have found that in the driving of an automobile and particular when driving for extended periods of time over long distances, the normal manner of holding and manipulating the steering wheel, wherein both driver's hands grasp the wheel in positions which require the driver's arms to remain in a raised and more or less unnatural and uncomfortable position, considerable strain develops in the driver's hands, arms, shoulders and back particularly, and results in excess of fatigue, such as will frequently dull the driver's normal reflexes and alertness and thereby increase the danger of accidents.

To obviate these disadvantages, I have devised an attachment for steering wheels, which permits a driver to assume a completely comfortable and relaxed driving position, while at the same time, affords a means permitting the driver to at all times retain positive operating control of the steering wheel. [Emphasis added]

The steering wheel attachment of Anson is subsequently described in the patent. The following description is stated (Page 1, right column, line 49 – Page 2, left column, line 18):

The attachment comprises a hand grip portion 11, which is preferably of bulbular form.... Grip portion 11 normally extends downward from the wheel rim and is of suitable length to adapt same to extend to the region of the driver's lap so that it may be grasped by the driver's hand when his hand is resting in a normal comparable position in his lap. Grip portion 11...which will have sufficient pliability...to be deflected from its normal pendant position without adversely affecting the measure of control of the steering wheel movements afforded by the positive operating movement of the attachment, while at the same time, neck 12 will retain sufficient rigidity to permit operating movements of hand grip 11 to be positively

communicated to the steering wheel rim for effective control of its movements. [Emphasis added]

Applicant submits that the steering wheel attachment of Anson does disclose all of the elements of claim 14. As set forth in the quotation above, the steering wheel attachment of Anson is a pliable structure that dangles downward from the bottom of the steering wheel. It is further understood from the quotation above that in use the steering wheel attachment is grasped by the driver's hand while the arms and hands are resting in the driver's lap. There is no teaching in Anson that the steering wheel attachment can be disposed of any location other than at the bottom of the steering wheel where it dangles for use. The other dispositive of the hand grip at the top of rim is for situations where it is removed from use.

The Examiner has cited Anson at Page 2, Left Column, Lines 62-72, as teaching the deformability element of the second section in claim 14. As the quotation above demonstrates, when the Anson handgrip is in use, it is in the pendent position and used to steer the vehicle. If, during normal operations, the driver were to grab the steering wheel in an emergency situation, he would release the handgrip and grab the wheel, for example, at the 10 and 2 o'clock positions. In doing so, the pendent-hanging handgrip would not be deformed as set forth in claim 14 because it would not be in use. Moreover, if it were used, it would not be deformed out of interference but would be held to steer the vehicle.

The Examiner has stated the handgrip of Anson equates to deformation according to claim 14 because it may be moved from the bottom pendent position to the top of the steering wheel. When the handgrip is moved to the top, it is moved there to be purposefully out of use all the time so it will not be in a position to be deformed as set forth in the second section of claim 14.¹ In order to move the handgrip, it would be understood that the vehicle would have to be stopped, the handgrip detached and repositioned at the top, and reattached.

Given the foregoing, the steering wheel attachment of Anson at least does not indicate the element of the second section being disposed outward at an angle from the plane across the face of the steering wheel (Anson extends rearward) and it does not

¹ Anson, page 2, left column, lines 68-72.

teach that the attachment will be deformable out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Anson and requests that the anticipation rejection based on this patent be withdrawn.

Claims 15-17, 19/17, 24/14, and 27 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 15-17, 19/17, 24/14, and 27 are not anticipated by Anson for the same reasons that claim 14 is not anticipated by this patent. Applicant has traversed the Examiner's basis for rejecting claims 15-17, 19/17, 24/14, and 27 for anticipation and respectfully requests that this rejection be withdrawn.

D. Laubach Does Not Anticipate Claims 14, 18, and 19/18

The Examiner has rejected claims 14, 18, and 19/18 for anticipation based on Laubach. In formulating the rejection based on Laubach, the Examiner has not relied on any part of the disclosure in that patent but has annotated the drawings to allegedly show that Laubach teaches each and every feature of claim 14. The Examiner states that reference nos. 7 and 8 of the knob 2 equates to the first section and reference no. 10 equates to the second section of claim 14. Applicant submits that the Examiner's reliance on Laubach is misplaced.

Laubach states the following with regard to the knobs attached to the steering wheel (Page 1, line 43 – 71):

By particularly considering the Figures 2 and 3, it will be seen that the knobs 2 are secured to the rim of the wheel 1 by means of securing screws 4, these screws being threaded as indicated at 5 longitudinally through the knobs 2, and extending for quite a distance through the entire length of the knobs, thereby efficiently bracing the same. The inner ends of the knobs 2 are concave as indicated at 6, so as to conform to the contour of the outer periphery of the wheel 1....

Each knob 2 is provided with a plurality of finger sockets 9 upon the upper face thereof, and an enlarged head portion 10 at the outer end thereof, for the purpose of facilitating the gripping of the knob and preventing the actual slippage of the hand of the operator from the knob 2.
[Emphasis added]

The Examiner has annotated the drawings to attempt to show that enlarged head 10 is disposed outward at an angle from the plane across the face of the steering wheel. This is not supported.

The hands of the driver are supported by gripping the knobs in the defined finger recesses shown in the drawings. The heads 10 are enlarged for this sole purpose of preventing the hands from slipping off of the knobs. The heads 10 clearly are not disposed at an angle outward of the plane across the face of the steering wheel but are placed at the end of the knobs solely to act as a stop. Further, the heads 10 are not deformable out of interference with the operation of the steering wheel as set forth in claim 14. They are fixed in place along with the rest of the knobs.

The description of the knobs and a review of the Figures makes plain that the knobs are not deformable and they are not disposed at an angle with respect to the a plane across the face of the steering wheel. The knobs are rigidly connected to the steering wheel by screws 5. Any movement of them requires removing the screws, drilling the wheel at a new location, and reattaching the knobs at the new location. At this new location, the knobs will in a plane parallel to the plane across the face of the steering wheel.

The knobs do not deform out of interference with the operation of the steering wheel as in the second section of claim 14. In fact, once the Laubach knobs are secured by screws 5 as shown and described, they are fixed and not movable during normal operations. If they are not unscrewed, the only movement would be to apply a destructive force to the knobs, thereby breaking them.

Therefore, Laubach at least does not teach the features of the second section being disposed outward at an angle from the plane across the face of the steering wheel and the knobs of Laubach do not deform out of interference with the operation of the steering wheel as set forth in claim 14.

Applicant has demonstrated that claim 14 is not anticipated (or rendered obvious) by Laubach and requests that the anticipation rejection based on this patent be withdrawn.

Claims 18 and 19/18 depend from claim 14. As such, each of these dependent claims includes all the features of claim 14. Therefore, claims 18 and 19/18 are not anticipated by Laubach for the same reasons that claim 14 is not anticipated by this

patent. Therefore, Applicant has traversed the Examiner's bases for rejecting claims 18 and 19/18 for anticipation and respectfully requests that this rejection be withdrawn.

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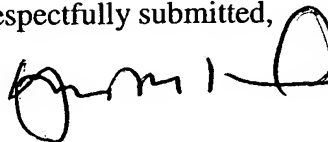
III. Conclusion

In this Response, Applicant has traversed Examiner's (i) objection to the drawings, (ii) objection to the specification, (iii) and anticipation rejections under 35 U.S.C. 102(b) based on either Van Arsdell, U.S. Patent No. 2,118,540; Anson, U.S. Patent No. 2,134,020; and Laubach, U.S. Patent No. 1,575,848. As such, Applicant has placed the present application in condition for allowance.

The present invention is new, non-obvious and useful. Reconsideration and allowance of the claims are respectfully requested.

Dated: 7/31/06

Respectfully submitted,



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